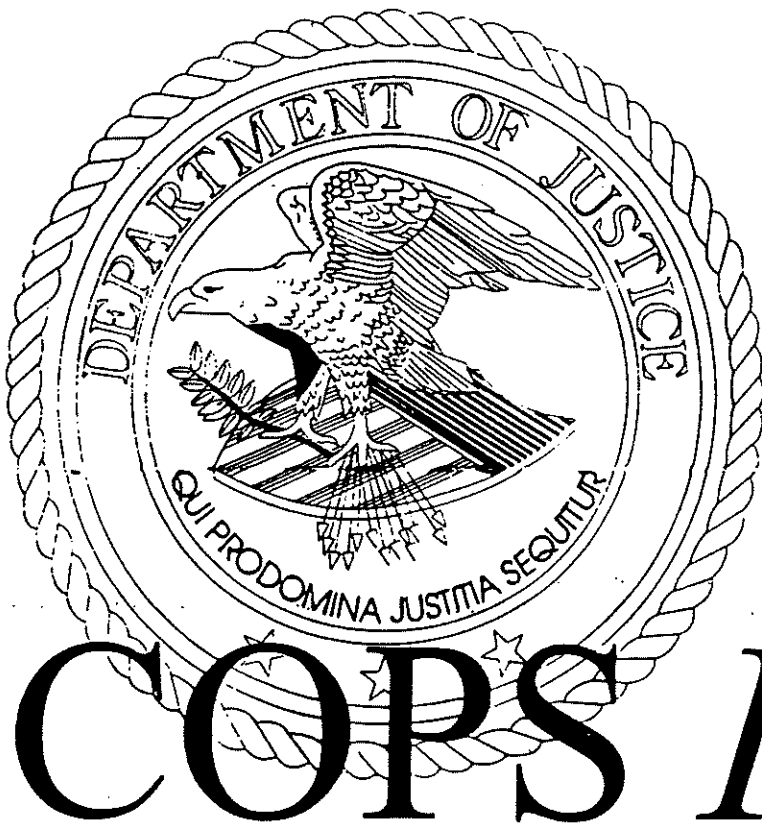




COPS *FAST*

Grant Owner's Manual

Office of Community Oriented Policing Services
U.S. Department of Justice

6 STEPS TO COPS FAST SUCCESS

- 1 REVIEW THE COPS FAST GRANT OWNERS MANUAL
- 2 REVIEW THE GRANT AWARD PAGE AND CONDITIONS
- 3 MAKE CORRECTIONS AS NECESSARY
- 4 HAVE THE AUTHORIZED OFFICIAL REVIEW AND SIGN THE GRANT AWARD
- 5 IF YOU REQUIRE PAYMENT, COMPLETE THE COPS REQUEST FOR PAYMENT FORM (*Revised H-3*) AND ACH FORM (FOR DIRECT DEPOSIT ONLY)
- 6 MAIL

 THE SIGNED GRANT AWARD PAGE

 THE COPS REQUEST FOR PAYMENT FORM
(*Revised H-3*) AND ACH FORM (FOR DIRECT DEPOSIT ONLY)

TO:

COPS FAST CONTROL DESK
633 INDIANA AVE, N.W.
3RD FLOOR
WASHINGTON, D.C. 20531

You are encouraged to use the mailing labels provided in the prior mailing.

If you have any questions please call 1-800 421-6770.

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GETTING STARTED

Congratulations on receiving a grant from the Office of Community Oriented Policing Services (COPS). Your grant program, COPS FAST, provides funding for salaries and benefits for community oriented officers in jurisdictions with populations of less than 50,000. This COPS FAST Grant Owner's Manual will assist you with the administrative and financial matters associated with your grant. It was developed by the COPS Office in conjunction with the Office of the Comptroller, Office of Justice Programs, to ensure that all FAST grantees are successful in understanding and meeting the requirements of their grants. Please do not hesitate to call the COPS Office at 1-800-421-6770 if you need assistance with the implementation of any portion of your grant.

Thank you for providing us with the opportunity to work in partnership with your community.

GLOSSARY OF TERMS

Allowable costs- Allowable costs are what this grant funds. FAST provides for the salaries and approved fringe benefits for three years for sworn entry level, lateral transfer, or rehired officers. Upon review of your submitted budget, any non-allowable costs were removed and your total budget amount was revised. Overtime, training, weapons, communication equipment, uniforms and vehicles are not allowable costs.

Cognizant Federal Agency- A cognizant federal agency is generally the federal agency that provides you with the most federal money. If this is the first federal grant that your organization has received, the Department of Justice is your cognizant federal agency. Your audit reports should be sent to the Department of Justice's Regional Audit Offices. A list of the Department of Justice's Regional Audit Offices is provided in Appendix C.

COPS Office- The *Office of Community Oriented Policing Services*, (COPS) is the division of the Department of Justice that is your "grantor agency" for your FAST grant. The COPS Office is responsible for administering your grant for the entire grant period. You can reach the COPS Office at 1-800-421-6770.

Grant number- This number is in this format: 95-CF-WX-0000 and can be found in the upper right hand of your grant award. It is assigned by the Office of the Comptroller and you should use it when corresponding with that office so that it is clear to which grant you are referring.

Matching funds- Under the COPS FAST program, the COPS Office provides up to 75% of the entry level salaries and fringe benefits for a new or re-hired law enforcement officer over three years. The maximum that the COPS Office can pay per officer for that three year time period is \$75,000. COPS FAST grantees are responsible for at least 25% of the total cost of salaries and fringe benefits. The match must be a cash match. See The Match, section III of this Manual.

Obligation of funds- Federal funds are considered "obligated" when the grant award document is signed by the Director of the COPS Office or his delegated official. Funds are reserved against the grant until all the grant monies are spent or refunded to the Federal government. Local funds are considered "obligated" when the salaries and benefits have been paid or will be paid for work completed by the officer during a previous pay period.

Office of the Comptroller- The Office of the Comptroller serves all of your financial and budgetary needs. You have a financial analyst assigned to your state from that office who is available to answer any questions that you may have concerning the financial aspects of your COPS FAST grant. The Office of the Comptroller can be reached by dialing 1-800-421-6770.

ORI number- (Originating Agency Identifier) This number is assigned by the FBI and it is your agency's identifier. The first two letters are your state abbreviation, the next three numbers are your county's code, and the final two numbers identify your jurisdiction within your county. It is located in the upper right hand of your grant award. When you contact the COPS Office with a question, you can use the ORI number or your grant number and we will be able to assist you.

The Public Safety Partnership and Community Policing Act of 1994- The COPS Office is specifically charged with fulfilling the mandates of this Law. The purposes of the law are to:

- Substantially increase the number of law enforcement officers interacting with members of the community
- Provide additional and more effective training to law enforcement officers to enhance their problem solving, service and other skills needed in interacting with members of the community
- Encourage the development and implementation of innovative programs to permit members of the community to assist law enforcement agencies in the prevention of crime; and,
- Encourage the development of new technologies to assist law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime.

Ven number- This is your agency's federal tax identification number. Your accounting/bookkeeping department should have this number.

I. GRANT ACCEPTANCE, TERMS AND CONDITIONS

In order to officially begin your grant, you will need to review the Award Page and Conditions, *sign* the Award Page and return it to the COPS Control Desk, 633 Indiana Ave, N.W., 9th Floor, Washington, D.C. 20531. You will not be able to draw down any grant funds until the COPS Office receives your signed Award page.

THE AWARD PAGE

The Award page contains pre-printed information of your law enforcement and government officials' names and addresses. If this information is incorrect or has changed, please correct it on the attached correction page. The award also indicates your official grant funding amount, the award number, the award date, and the grant time period. The grant amount may differ from the estimated amount announced in February because the final grant amount is based upon your approved budget.

The award date for all COPS FAST grants is March 1, 1995. This means that the grant's share of any salaries and benefits you incur after March 1 in hiring the officer(s) will be reimbursed. For example, if you hired an officer in early March prior to receiving this package, you may request a reimbursement of the grant's share of the monies expended.

Your grant award number is in the format of 95-CF-WX-0000. If you have any questions regarding your grant, please refer to your grant award number or your agency's ORI number and we will do our best to assist you.

GRANT CONDITIONS

By accepting this grant, you are entering into a partnership with the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS). As part of that partnership, you agree to 9 grant conditions (and possibly additional conditions specific to your agency). These conditions are listed on the back of the enclosed "AWARD" document. The section that follows describes in detail each of the award conditions, their rationale and their implications. It also addresses many commonly asked questions.

Reasons for grant conditions

The requirements of your COPS FAST grant are established within:

- the Public Safety Partnership and Community Policing Act of 1994 under which the COPS Office was established; and
- applicable rules, regulations and policies issued by the Department of Justice, Office of Management and Budget (OMB), the General Accounting Office (GAO), and the United States Treasury.

A list of source documents for this booklet is provided in Appendix A. You may request copies of any of these materials from the Office of Administration, Publication Unit, Room G 236, New Executive Office Building, Washington, DC 20503, or from either the COPS Office or the Office of the Comptroller, if you so desire.

Review of each condition.

#1 ALLOWABLE COSTS.

The funding under this project is for the payment of SALARIES AND APPROVED FRINGE BENEFITS for three years for sworn entry level officers, lateral transfers, or rehired officers. Overtime, training, weapons, communication equipment and vehicles cannot be paid for with this funding.

Rationale:

As the program materials state, COPS FAST is a program that can only fund salaries and benefits for the hiring or rehiring of officers.

Action:

To be eligible for payment under the grant, a salary must be reasonable for the services rendered, and must be paid to a person appointed under the law or rules governing hiring by your agency. Salary payments must be based on payroll records. Payroll records must be supported by time and attendance records or their equivalent.

Fringe benefits may be paid if they are part of a reasonable compensation package offered to your employees. Particular items of fringe benefits must fall within the categories authorized by the COPS Office. Authorized fringe benefits include FICA, Social Security, health insurance, life insurance, vacation, sick leave, retirement, worker's compensation, and unemployment insurance. The costs of equipment, training, uniforms, vehicles, and overtime are *not* permitted by this program. If you train your officers prior to swearing them in, grant funds may be applied to salaries and benefits paid to the new officers during training.

Section 4 of this manual outlines the types of records you must keep to document that you followed this grant condition. As long as you spend the funds on the salary and benefits that you documented in your budget summary and that were approved by your financial analyst, this grant condition will be satisfied.

#2 a) SUPPLEMENTING, NOT SUPPLANTING

COPS FAST grant funds must be used to hire one or more new, additional career law enforcement officers, beyond the number of officers that would be hired or employed by the grantee in the absence of the grant. Unless authorized in writing by the COPS Office, grant funds may not be applied to the salary or benefits of an officer hired by a grantee before February 8, 1995.

Rationale:

The Public Safety Partnership and Community Policing Act of 1994 specifically states that federal funds under the COPS programs are not to be used to supplant existing local or state funds.

Action:

To meet this grant condition, you will need to ensure that:

- Each officer that you hire under COPS FAST is newly hired on or after February 8, 1995, unless an exception is authorized in writing by the COPS Office;
- The officer(s) that you are hiring brings your force to a number over and above the number of officers and funded officer positions that you had on October 1, 1994;
- During the life of your grant, you must continue to hire as many new, locally-funded officers as you would have if you had not received your grant. You may not cancel or postpone spending money in your budget that is committed to hiring other new officers.
- You must take positive and timely steps to fill any vacancies that were created on or after October 1, 1994 by retirement, resignation or other reasons with new officers other than your COPS FAST officer. Again, any exception must be authorized in writing by the COPS Office.

A "career law enforcement officer" is an officer hired on a permanent basis who is authorized by law or by a State or local public agency to engage in or supervise the prevention, detection, or investigation of violations of criminal law.

b) RETENTION

Grantees are expected to make a good faith effort to retain the position(s) funded by the COPS FAST grant funds at the conclusion of the grant. Throughout the grant period, your Grant Advisor will provide any needed guidance in the creation of a retention plan.

Rationale:

The Public Safety Partnership and Community Policing Act of 1994 envisions that positions for officers should be maintained by localities beyond the federal funding period. The local match and the provision of a decreasing federal share were established to enable communities to adequately plan for paying the salaries and benefits of the new officers without burdening them with the full cost of hiring a new officer. It is up to you to determine how the federal share decreases from year to year.

Action:

During the grant period you will be asked about the plans you are making to retain the positions after the Federal funding ends. These plans could include revenue collection plans devised by your government, special savings plans or any other financial methods you would develop.

Your retention plan should focus on maintaining the position beyond the life of the grant, not continuing to employ the specific officer. If, for any reason, the officer originally filling the position funded by the COPS FAST grant leaves your department, it is anticipated that you will fill the position with a new officer.

#3 CONTRACTS WITH OTHER JURISDICTIONS

Officers funded under this grant may only be involved in activities or perform services that exclusively benefit your agency and the population that it serves. If your agency provides these officers to another agency through a contractual arrangement, your agency is responsible for ensuring that this arrangement is in compliance with the conditions of your grant.

Rationale:

Occasionally, small towns enter into contracts with county or state law enforcement agencies. When a small town decides to use its COPS FAST grant to contract for the services of an officer from a local police department or sheriff's office, the small town must ensure that the activities of the officer are in accordance with the terms and conditions of their FAST grant.

Action:

The officer that has been funded under the COPS FAST program cannot be hired out by your agency to other agencies unless it will benefit the population that you serve. If for example, you are a sheriff's department serving a county with eight small towns, you may contract with one of those small towns to provide them with the services of COPS FAST officer provided such a contract is done in accordance with all of the rules and regulations laid out in this Manual. You may not, however, offer this COPS FAST officer to a neighboring county. Similarly, if you are a small town grantee and you contract with a law enforcement agency, you must use that officer in a manner that would not violate the rules and regulations of the COPS FAST program.

#4 ASSURANCES AND PROGRAM GUIDELINES

The grantee acknowledges its agreement to comply with the assurances on the reverse side of the COPS FAST application and with the COPS FAST Program Guidelines.

Rationale:

Although the Department of Justice has made every effort to simplify the process for applying for and receiving grants, provisions of federal law require us to seek your certification regarding certain matters. Most of these assurances apply to all grants provided by the Federal government.

Action:

When you filled out your original single page application, on the back was a list of assurances that you agreed to by signing the COPS FAST Application. This condition merely restates your agreement to comply with those assurances.

Another copy of the assurances is contained in Appendix B of this Manual. If you have any questions about them, please contact your grant advisor.

The COPS FAST Program Guidelines are the official legal notice of the COPS FAST program that appeared in the Federal Register. Their summary is included as Appendix B. Most of the information covered in these documents is covered either in this COPS FAST Grant Owner's Manual or the FAST grant application. You should read these materials carefully if you have not already done so and notify your grant advisor if you have any questions.

#5 REPORTS

In order to assist the COPS Office in the monitoring of the award, your agency will be responsible for submitting progress reports twice a year and financial status reports on a quarterly basis. In addition to these reports, your agency will provide to the COPS Office the salaries and itemized benefits for year two and three of the grant period. As those reports become due, your Grant Advisor will provide you with outlines to assist you with these reports.

Rationale:

The Public Safety Partnership and Community Policing Act of 1994 and other federal regulations and policies, requires that financial assistance provided by the Federal government be monitored carefully to ensure the proper use of federal funds. In addition, the COPS Office seeks to document, on a continuing basis, the progress of our programs and our grantees.

Action:

This grant condition is to make you aware of your responsibilities in assisting us with reporting requirements. These reports are discussed extensively in Section 6 of this Manual. To meet this condition, you will be requested to fill out two program Progress Reports per year and four Financial Status Reports per year. We are currently exploring ways to reduce the amount of reporting that an agency must do while ensuring that adequate information is collected.

#6 EXTENSIONS

Requests for extensions of the grant award period which merely request additional time, not additional funding, should be submitted in writing no later than two years after the official start date of the award to your Grant Advisor.

Rationale:

Under Federal regulations, grant extensions which merely request additional time, not additional funding, require prior approval. Without an approved extension, your funding will be *automatically* stopped at the end of the grant period.

Action:

In an effort to reduce the number of extensions during the grant period, the COPS Office asks that you delay any request for an extension until you are well into your grant and are able to determine accurately when you expect the grant to be over. When the COPS

Office receives and approves your extension request, we will ensure that you have continued access to your grant monies.

#7 EVALUATION

The COPS Office may conduct national evaluations of the Community Oriented Policing Services (COPS) Program and the FAST program. The grantee agrees to cooperate with the evaluators.

Rationale:

The Public Safety Partnership and Community Policing Act of 1994 states that evaluations of the program may be carried out or commissioned by the Attorney General for the furtherance of the purposes of the Act. The COPS Office plans to conduct evaluations to determine what programs are working, how programs may be improved and why certain programs are working better than others.

Specifically, the COPS Office may assess the way in which you implement your community policing program. In some jurisdictions, COPS staff may study the effectiveness of funded programs, projects and activities. Evaluators may collect information about the programs' effect on crime, victims of crime, and the quality of life in communities. In addition, they may ask questions about how residents feel about community policing and how police feel about their work. This information will be useful to other communities and police agencies across the country.

Action:

When evaluations are undertaken, you may be contacted in writing with specific requests for information. In general, evaluators may need to speak with individuals in your department, observe activities of your department, and obtain written reports about and from your department. You will be asked to facilitate any site visits and information gathering activities. In addition, you will be asked to provide accurate and timely information about your grant activities.

#8 GRANT OWNER'S MANUAL

The grantee agrees to abide by the terms, conditions, and regulations as found in the COPS FAST Grant Owner's Manual.

Rationale:

This Manual has been tailored to inform you of the policies, procedures and regulations that apply to your grant. You will be responsible for the information and rules contained in this Manual. More detailed guidance can be requested through your grant advisor.

Action:

Please read the entire COPS FAST Grant Owner's Manual carefully prior to signing the grant award page. If you have any questions, please contact your grant advisor to discuss them. When you sign the award page, you should ensure that the proper reporting and financial systems are in place to satisfy the requirements.

#9 Equal Employment Opportunity Plan (EEOP)

COPS grantees are required to submit their EEOP certifications by July 1, 1995 to the COPS Office. Questions regarding EEOP certifications should be forwarded to the COPS Office of General Counsel.

Rationale:

The purpose of an Equal Employment Opportunity Plan (EEOP) is to ensure full and equal participation of men and women regardless of race or national origin in the workforce of the recipient agency. EEOPs do not impose quotas or hiring requirements. The Department of Justice (DOJ) regulations regarding the requirements for an EEOP for federal grant recipients and the required contents of the document are fully explained in 28 C.F.R. § 42.301 et seq.

Action:

DOJ regulations require you to prepare and maintain an EEOP if your organization:

- has 50 or more employees **and**
- received a total of \$25,000 or more in grants or subgrants **and**
- has 3 percent or more minorities in its service population. Even if there is less than 3 percent of minorities in the service population, the DOJ regulations require that the EEOP be written to focus on women.

or

- receive over \$500,000 **or** a total of \$ 1 million in grant funds during an 18-month period, **you are required to submit** an EEOP to the Office of Civil Rights, Office of Justice Programs.

You need to complete and return the one-page COPS FAST EEOP certification form by July 1, 1995 to advise us whether you have an EEOP in effect or whether you are exempt from this requirement. If you need help preparing an EEOP, please consult the 7 Step Guide to Preparing an EEOP previously mailed to you.

HOW TO ACCEPT THE AWARD

After you have reviewed the conditions of the award and your agency agrees with those conditions, you are ready to accept the award. At the bottom of the AWARD page are two signature lines. Joseph E. Brann, the Director of the COPS Office has signed the award page indicating approval of your grant, an obligation of Federal funds to your organization and our commitment to the award. To officially begin the grant and to be able to draw down your funds, your authorized official must sign the award page and return the original copy to the COPS Control Desk, 633 Indiana Ave., NW, 3rd Floor, Washington, D.C. 20531. When the COPS Office receives this signed document, the funds of your award are obligated. Faxes cannot be accepted.

Who should sign the award for my agency?

The "authorized official" is the individual in the organization accepting this grant who has final responsibility for all programmatic and financial decisions of the organization. In some jurisdictions, police chiefs and sheriffs have the authority to accept grant awards. In others, the mayor or county executive may have this sole authority. Before signing the grant, you should determine who in your jurisdiction has the legal authorization to accept the award. If you have any questions as to who should sign the award, please contact your city or county's legal advisor.

When do the grant materials need to be returned?

Please return the signed award page within 45 days of your receipt of it. ***No funds may be released until we have received your signed award page.*** If you require an extension for accepting the award beyond the 45-day time frame for any reason, please request it in writing from your grant advisor.

What are the specific rules regarding termination of grant funding?

The COPS Office has the right to sanction or to terminate your project only when there is reason to believe through periodic monitoring or review that you:

- are not substantially complying with the requirements of the Act, the guidelines or with other provisions of federal law;

- are failing to make satisfactory progress toward the goals or strategies in your application and information, as reflected by performance and status reports;
- do not adhere to grant agreement requirements or conditions;
- propose substantial plan changes to the extent that, if originally submitted, would have resulted in the application not being selected for funding;
- do not submit reports;
- file false certification in connection with an application, periodic report or other document submitted to the COPS Office;
- provide other good cause.

In these instances, we may:

- temporarily withhold payments pending correction of the situation by you;
- disallow all or part of the cost of the activity or action not in compliance;
- wholly or partly suspend or terminate the current award for your grant;
- require that some or all of the grant amounts be remitted to the Department of Justice;
- condition a future grant or elect not to provide future grant funds to you until appropriate actions are taken to ensure compliance;
- withhold further awards for the program; or
- recommend civil or criminal enforcement by other agencies; and
- take other remedies that may be legally available.

In the event that sanctions are imposed or a grant is terminated, you will be notified in writing of our decision, and the reason(s) for that decision. You will also receive reasonable time to either discontinue operations or seek support from other sources.

CHANGES IN YOUR GRANT

You must seek prior approval if you plan to make grant changes relating to any of the following issues:

- key personnel changes
- extensions
- salary and benefit changes
- major programmatic changes

In order to make one of these changes, you are required to submit your plans in writing to the COPS Office for prior approval. Extensions will allow you to extend your grant period to ensure that you are able to support the position for a full three years if you have any delays in hiring or periods when the position is vacant. Please document your reasons for the proposed changes and add any other information that will assist us in reviewing the changes.

QUESTIONS ABOUT ACCEPTING THE GRANT

If for any reason, you have questions about accepting this grant, please contact us at 1-800-421-6770 or your Grant Advisor. If you have decided not to accept this grant, please send us a letter advising us of your decision.

II. ACCESSING GRANT FUNDS

This section provides information about how you get paid and gives answers to payment-related questions. Currently, there are two methods of payments that you can use to access your grant funds: The COPS Request for Payment Form (*Revised H-3*) and LOCES (electronic payment). In addition to these methods, the COPS office has another method of payment currently in the development phase. Two weeks from receiving this package, we will mail to you the additional method of payment which we hope you will find quite useful. However, for your immediate payment needs, we have provided to you a Cops Request for Payment Form, revised H-3. Please make copies of that form, complete and submit it as necessary.

PAYMENT METHODS

There are currently two methods that you may use to access your grant funds:

- I. COPS Request for Payment Form (*Revised H-3*)
- II. LOCES - electronic payment.

I. *COPS Request for Payment Form (Revised H-3)*

This payment method allows you to request advances or reimbursements on a bi-weekly or monthly basis. Please make copies of the Request for Payment Form so you can use it for future payment requests.

Advances:

Advances can be submitted using the COPS Request for Payment Form by checking the box on line (6) marked "advance." The Federal Government has four basic rules regarding advances. Advances can be terminated if the grantee:

- (1) Is unwilling or unable to attain project goals
- (2) Maintains excess cash on hand
- (3) Does not adhere to the terms and conditions of the grant
- (4) Fails to submit reliable and/or timely reports.

The concept of *minimum cash on hand* applies to COPS FAST grants. The *minimum cash on hand* concept requires that you request funds based upon immediate disbursement. You should time your request for payment to ensure that Federal cash on hand is the minimum that you need to make your immediate salary and fringe benefit payments. There should be no excess Federal grant funds on hand, except for approved advances.

Reimbursements:

Requests for reimbursements can be submitted using the "COPS Request for Payment" form by checking the box on line (6) marked "reimbursement." Only reimbursements for actual salaries and benefits of COPS FAST officer(s) can be made.

Can funds be directly deposited into a city or department's bank account?

Yes. After you complete the COPS Request for Payment Form, please refer to the enclosed **ACH VENDOR/MISCELLANEOUS PAYMENT FORM**. Please fill out the middle section with your agency's name, address, tax identification number and contact person. The Financial Institution Information section should be completed by your financial institution. After the form is received and processed by the COPS Office, the funds will be deposited electronically into your account. The form has complete instructions on its reverse side. You will only need to fill this form out one time and from then on, so long as you check the direct deposit box on the COPS Request for Payment Form, line (5), all of your payments will be directly deposited into your designated account upon receipt and approval of your request by the Office of the Comptroller.

When and to whom should we submit these requests?

Reimbursement and advance requests should be submitted at least monthly to the COPS Control Desk, 633 Indiana Ave, N.W., 3rd Floor, Washington, D.C. 20531.

What are the next steps?

If you are not using direct deposit, once the COPS Request for Payment form is received, reviewed and approved, a Voucher and Schedule for payment is prepared for the amount approved. This schedule is forwarded to the U.S. Treasury requesting issuance and a check mailed directly to you or to your designated financial agent through the direct deposit option.

II. LOCES

What is LOCES?

LOCES is the Letter of Credit System. This payment method utilizes the "Letter of Credit" procedure and requires access to a computer with a modem to complete the request and financial forms. Funds will be transferred electronically to your agency. It is encouraged for all grantees who receive over \$120,000. A separate LOCES manual explains this system and how to use it. This manual may be requested by contacting the Office of the Comptroller, Office of Justice Programs. In addition, the Office of the Comptroller will provide technical assistance on using this system.

ADDITIONAL PAYMENT QUESTIONS

Can we earn interest on our grant funds?

You should minimize the time between your drawdown of grant funds and your payment of grant costs. You need to account for interest earned on advance of Federal funds as follows:

- (1) You may keep interest earned on all advances of Federal grant funds up to \$250 per fiscal year.
- (2) You should promptly, but at least annually, remit or credit the COPS Office interest earned over and above the \$250 identified in (1) above.

III. THE MATCH

Under the COPS FAST program, the COPS Office provides up to 75% of the entry level salaries and fringe benefits for a new or rehired law enforcement officer over three years. The maximum that the COPS Office can pay per officer for that three year time period is \$75,000. COPS FAST grantees are responsible for at least 25% of the total cost of salaries and fringe benefits. The match must be a cash match.

SOURCES FOR MATCHING FUNDS

Sources for match requirements may include:

- Funds from state or local units of government that are committed to matching funds for your program;
- Funds from Federal programs which specifically authorize use as matching funds such as:
 - Housing and Community Development Act of 1974
 - Equitable Sharing Program
- Funds contributed by private sources
- Program income funds from asset forfeitures.

FEDERAL SHARE DECREASES AS LOCAL SHARE INCREASES

Matching contributions may be applied at any time during the life of your grant provided that the full matching share is obligated by the end of the grant period. The local share must increase every year during the grant period and the Federal share must decrease. This means that if you received \$60,000 from the Federal government for your COPS FAST officer, you could spend the Federal share at \$38,000 for year one; \$15,000 for year two; and \$7,000 for year three and meet the local share increase/federal share decrease requirement. If you have any questions about adjusting your match, please contact your grant advisor or financial analyst.

RECORDS OF THE MATCH

You should maintain records of your local share. These records should clearly show the source of match, the amount of match and when the match was contributed.

IV. FINANCIAL RECORD MAINTENANCE

Under your COPS FAST grant, you are required to establish and maintain accounting systems and financial records to accurately account for funds awarded and disbursed. These records need to include both Federal funds and all matching funds.

WHAT ACCOUNTING SYSTEMS ARE NEEDED?

You need to establish and maintain accounting systems and financial records to accurately account for funds awarded to you. These records should include both Federal funds and matching funds of State, local, and private organizations.

Your accounting system should:

- present and itemize approved costs of salaries and benefits and show the actual costs of salaries and benefits;
- assure responsible use of grant funds;
- assure that the expenditure of funds are in conformance with your grant conditions; and
- be able to provide the necessary information for periodic financial review.

What items should be kept?

Your fiscal control and accounting systems should enable you to make accurate, current and complete disclosure of the financial activity under your COPS FAST grant. Your accounting records should contain information showing expenditures under the grant, and must be supported by items such as payrolls, time and attendance records, canceled checks or similar documents.

You must adequately safeguard grant funds and make sure that they are used for authorized purposes. You will be responsible for refunding expenditures disallowed by auditors.

How long should documents be kept?

All financial records, including payroll, time and attendance records, canceled checks and similar documents associated with your COPS FAST grant should be kept for at least three years from the grant closing audit report date. If any litigation, claim, negotiation, audit or other action involving these records has been started before the end of the three year period, the records should be kept until completion of the action. These records should be easily located and should be properly protected against fire or other damage.

You should maintain your records so that you can identify them by grant year or by your fiscal year, whichever you find more convenient.

What if we have more than one grant?

If you have more than one federal grant, funds received under one project may not be used to support another project. Your accounting systems must reflect expenditures for each project separately.

Federal funds may be used to meet your match only if they are specifically approved by the COPS Office. If Federal funds are being used to meet your match, your accounting system should accurately document how the funds are being used and the programmatic intent of the match funds.

Who may access our records?

Authorized federal representative, including the representatives of the Department of Justice and the Comptroller General for the U.S. may access these records as long as they exist for the purposes of making audits, examinations, excerpts or transcripts.

V. AUDITS

WHO MUST HAVE AN AUDIT DONE?

- Grantees that received \$100,000 or more in Federal funds in any one fiscal year must have a "single audit" performed for that year. OMB Circular No. A-128 is included for those organizations receiving more than \$100,000 per year in federal assistance. Please refer to this document to comply with audit requirements.
- Grantees that receive less than \$100,000 but more than \$25,000 have the option of performing a single audit or separate program audits.
- Grantees that receive less than \$25,000 in any fiscal year do not have to have an audit performed.

What is a "single audit"?

The "single audit" is an audit made by an independent auditor covering the entire operations of the state or local government. At the option of that particular government, a "single audit" can be performed only on the specific departments or agencies that will receive, expend, or otherwise administer federal monies during that year rather than on the entire state or local government entity.

What is the purpose of an audit?

Audits review your administration of grant funds, including your local match. Audits specifically determine whether:

- you have established an accounting system which will provide reasonable assurance that your organization is managing the COPS FAST funds in compliance with the laws and regulations documented in this Manual and in the assurances which were part of your application. Your accounting system must provide for adequate review and control by your authorized officials to provide accountability for grant drawdown amounts, grant payments for salaries and benefits, matching fund payment and bank account balances.
- you or your financial manager have prepared financial statements that are accurate and that are in accordance with generally accepted accounting principles.
- you have prepared financial reports, including financial status reports, cash reports and claims for advances and reimbursements which contain accurate and reliable financial data and are represented in accordance with the conditions of your COPS FAST grant and this COPS FAST Grant Owner's Manual.

- you have spent the grant funds in accordance with the conditions of your COPS FAST grant and provisions for Federal law that may bear on your financial statements.

WHAT ARE THE AUDIT REPORTING REQUIREMENTS?

If an auditor becomes aware of any issues or illegal acts, the auditor is required to give prompt notice of the problem to the management officials in your department. The management official is required to promptly notify your cognizant federal agency of the issues or illegal acts and of the proposed and actual actions to solve the problem.

The COPS Office must inform the appropriate officials, including State and local law enforcement agencies or prosecuting authorities, of any known violations of the law within their respective area of jurisdiction.

What is the due date of audit reports?

Audit reports covering each fiscal year are due no later than 13 months after the close of the organization's fiscal year.

Where are the audit reports to be submitted?

Audit reports are to be submitted to your cognizant federal agency.

A cognizant federal agency is generally the federal agency that provides you with the most federal money. If this is the first federal grant that your organization has received, the Department of Justice is your cognizant federal agency. In that case, your audit reports should be sent to the Department of Justice's Regional Audit Offices. A list of the Department of Justice's Regional Audit Offices is provided in Appendix C.

If this is not your first federal grant, please check with your financial analyst or auditor within your department to determine locally who is your federal cognizant agency. If you are unable to determine who this agency is, please contact your COPS financial analyst.

What if there are problems with our audit report?

Your management officials will need to develop recommendations for timely action that will resolve issues that the audit identifies. Prior to your audit, you must develop policies and procedures for action on audit recommendations. These policies and procedures should designate officials to be responsible for:

- follow-up on audit findings;
- maintaining a record of the actions taken on recommendations and time schedules;
- responding to and acting on audit recommendations;
- submitting periodic reports to the federal cognizant agency on recommendations and actions taken.

How are audit requirements monitored?

The Office of the Comptroller in coordination with the COPS Office will track audit requirements. Audit reports will be tracked until all issues are resolved and the audit is closed.

How can our agency receive technical assistance with audit requirements?

The regional audit offices of the Department of Justice are available to provide technical assistance to you in implementing audit requirements where the Department of Justice is your assigned federal cognizant agency. You may receive assistance on:

- review of audit arrangements;
- review of audit programs or guides to be used for the conduct of the audit;
- on-site assistance in performing the audit, when necessary, as a result of complex problems that arise.

You may request technical assistance by contacting your Regional Audit Office, Department of Justice, listed in Appendix C.

What are the consequences of not complying with audit requirements?

Future grants will not be awarded to any applicant who has an overdue audit report or an open audit report where the grantee has not attempted to respond or has taken no action to resolve findings. You must be in compliance with the audit requirements to receive grant funds. Exceptions to this policy are by the recommendation of the Office of the Comptroller.

VI. REPORTS

Periodically, you will be asked to provide two types of reports - Program Progress Reports and Financial Status Reports. Funds and future awards may be withheld if reports are not returned or are excessively late.

PROGRAM PROGRESS REPORTS

How often will progress reports be requested?

Program progress reports will be requested **twice a year..**

What kind of information will these reports require?

These reports will request information about the status of your grant in terms of selection, hiring, and training; characteristics of the officers you have hired; descriptions of officer activities; and general information about your department. You will be asked about progress you have achieved in implementing community policing.

How and when will these forms be sent?

These reports and instructions will be mailed to you in the next month. You will also receive periodic phone calls from your Grant Advisor regarding the status of your grant. Your Grant Advisor may make a site visit to your agency during the three year grant period.

FINANCIAL STATUS REPORTS

How will grant funds be monitored?

The Office of the Comptroller monitors the financial aspects of your grant through financial reports, meetings, telephone contacts, reports, audits, review of grant change requests and special request submissions. In specific cases, information may be requested during an on-site visit.

Financial Status Reports under the COPS Request for Payment Form

Under the COPS Request for Payment Form, you will need to fill out and return **quarterly** Financial Status Reports within 45 days after the end of the calendar quarter. These reports request information on your monies spent, the breakdown of Federal and local matches and the unobligated amounts. Much of the standard information will be completed by the Office of the Comptroller for your review only. However, you must provide specific financial information. These financial status reports will be mailed to you as their time for completion comes near.

Financial Status Reports under LOCES

If you opt for the Letter of Credit method, you will fill out a request each time you submit a drawdown.

HOW DO WE REPORT VIOLATIONS (FRAUD, WASTE AND ABUSE)?

If you suspect any alleged violations, serious irregularities, or acts that may result in the use of public funds in a manner inconsistent with the Public Safety Partnership and Community Policing Act of 1994 or the purposes of this grant, please report such to the Department of Justice Inspector General Hotline at 1-800-869-4499. We would greatly appreciate your cooperation to help us ensure that these Federal grant funds are spent responsibly.

VII. WHEN THE GRANT PERIOD HAS ENDED...

"GRANT CLOSE OUT"

At the end of your grant period, the COPS Office is responsible for the "close out" of your grant. To fulfill this requirement, we must determine that all of the required work of the grant has been completed by your department and the COPS Office.

Within 90 days of the end of the grant period, you will be asked to submit final financial and program reports. These reports will be very similar to the reports discussed in Section 6.

Financial Status Report

The final report of expenditures should have no unliquidated obligations and should indicate the exact balance of unobligated funds. Any unobligated or unspent funds will be deobligated from the award amount.

When should all of the grant monies be spent?

Grant funds must be obligated by the end of the grant period. Obligated means that the expense has been incurred by you, but not yet paid. Grant funds which are obligated have ninety days after the end of the grant to be paid out (expended) to you. Any grant funds that you do not request payment for at the end of the ninetieth day will revert to the COPS Office.

Final progress report

This report and its instructions will be mailed to you in the third year of your grant. It will request information similar to the semi-annual progress reports.

EPILOGUE

We hope that this Manual has assisted you with your grant questions. We welcome and encourage any comments you have regarding COPS FAST and the materials we are developing for its administration. If you have specific comments regarding this Manual, please send them to COPS FAST GRANT OWNER'S MANUAL, 1100 Vermont Ave., N.W., 8th Floor, Washington, D.C. 20530. We will review these comments and make revisions as appropriate.

If you have any questions about your grant, please call 1-800-421-6770 or your Grant Advisor.

APPENDICES

APPENDIX A

Source Documents

List of Source Documents

Primary Sources

Public Safety Partnership and Community Policing Act of 1994
42 U.S.C. 3711 et seq. Part Q

U.S. Department of Justice, Office of Justice Programs, Financial and Administrative Guide for Grants OJP M 7100.1D: May 15, 1990

Additional Sources:

Code of Federal Regulations (CFR)

28 CFR Part 66 Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments

28 CFR Part 67 Government wide Requirements for Drug-Free Workplaces (Grants)

28 CFR Part 69 Government wide Restrictions on Lobbying

31 CFR Part 205 Treasury Department Regulations Implementing for Cash Management Improvement Act of 1990

Federal Register Announcement Interim Program Guidelines for COPS Ahead and COPS Fast

OMB Circular A-87 *Cost Principles for State and Local Governments*

OMB Circular A-128 *Audits of State and Local Governments* (Included)

Assurances for COPS FAST (Included)

Executive Order 12547 "Non-Procurement Debarments and Suspension"

Executive Order 12372, 28 CFR, Part 30 "Intergovernmental Review of Federal Programs"

OMB Circular A-129 *Managing Federal Credit Programs*

4 CFR Parts 101-105 Department of Justice' General Accounting Office, "Joint Federal Claims Collections Standards"

5 CFR Part 1320 "Controlling the Paperwork Burden on the Public"

Executive Order 12291. "Regulations"

5 CFR Part 151 "Political Activities of State and Local Officials or Employees"

Stenmer Company Number 5, 200 W.
Marshall St., Richmond, 95000027

(FR Doc. 95-1153 Filed 1-17-95; 8:45 am)
BILLING CODE 4310-70-M

Office of Surface Mining Reclamation and Enforcement

Office of Surface Mining Reclamation and Enforcement Advisory Board;
Notice of Establishment

This notice is published in accordance with Section 9(a)(2) of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. (1988). Following consultation with the General Services Administration and the Office of Management and Budget, notice is hereby given that the Secretary of the Interior is administratively establishing an advisory board to be known as the Office of Surface Mining Reclamation and Enforcement General Advisory Board.

The purpose of the Advisory Board is to provide a forum to discuss a variety of regulatory and reclamation issues of concern to the public, primary States which regulate surface coal mining, Tribes, environmental groups, coal mine region residents, industry, the Congress, and other State and Federal agencies.

The Secretary of the Interior will appoint 20-25 members to the Advisory Board to represent a cross-section of those who are interested in and directly affected by regulatory and reclamation activities. OSM will carefully monitor membership to ensure that there is a balance among those interests affected by the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

Certification

I hereby certify that the administrative establishment of the Office of Surface Mining Reclamation and Enforcement Advisory Board is necessary and in the public interest in connection with the performance of duties imposed on the Department of the Interior by the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

Dated: July 27, 1994.
Bruce Rabbitt,
Secretary of the Interior.
(FR Doc. 95-1038 Filed 1-17-95; 8:45 am)
BILLING CODE 4310-05-M

DEPARTMENT OF JUSTICE

Office of Community Oriented Policing Services; COPS AHEAD and COPS FAST Grant Programs

AGENCY: Department of Justice, Office of Community Oriented Policing Services.
ACTION: Notice of interim program guidelines with request for comments for the Accelerated Hiring, Education and Deployment (COPS AHEAD) and Funding Accelerated for Smaller (COPS Fast) Programs.

SUMMARY: The Office of Community Oriented Policing Services, U.S. Department of Justice is publishing, for a 45-day public comment period, interim guidelines to accompany the COPS AHEAD and COPS FAST programs. Both programs are expedited approaches for the award of grants for the hiring or rehiring of career law enforcement officers and are among the programs authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322.

DATES: Interim guidelines effective January 18, 1995; comments must be received on or before March 6, 1995.

ADDRESSES: Comments may be mailed to the Office of the General Counsel, Office of Community Oriented Policing Services, U.S. Department of Justice, P.O. Box 14440, Washington, DC 20044, or delivered to Suite 300, 633 Indiana Avenue, NW., Washington, DC between 9 a.m. and 5:30 p.m. Comments received may also be inspected at Suite 300 between 9:15 a.m. and 5:15 p.m.

FOR FURTHER INFORMATION CONTACT: L. Anthony Sutin, General Counsel, Office of Community Oriented Policing Services, U.S. Department of Justice, 633 Indiana Avenue NW., Suite 300, Washington, DC 20531; telephone (202) 514-2058.

SUPPLEMENTARY INFORMATION: These interim guidelines have been developed by the Office of Community Oriented Policing Services in order to provide guidance to applicants and grantees concerning the administration and implementation of the Accelerated Hiring, Education and Deployment ("COPS AHEAD") and Funding Accelerated for Smaller Towns ("COPS FAST") programs. Availability of funds under these programs and application deadlines were announced in the Federal Register on November 3, 1994 (59 FR 55132). The guidelines address the eligibility for the programs, substantive and procedural program requirements, the application process, and other administrative matters. Section 1-4, 7 and 8 of the guidelines

apply to both COPS AHEAD and COPS FAST. Section 5 applies exclusively to applicants and grantees under COPS AHEAD, and Section 6 applies exclusively to applicants and grantees under COPS FAST.

These guidelines have not been reviewed by the Office of Management and Budget pursuant to Executive Order 12866. These guidelines will not have a substantial impact on a significant number of small entities, thus a regulatory flexibility analysis has not been prepared pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*

The collection of information requirements relating to the COPS AHEAD and COPS FAST Applications has been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act, 44 U.S.C. 3504(b) and have received clearance numbers 1105-0061 and 1103-0015, respectively.

Section 1 Purpose and Substantive Description

1.1 Public safety and community policing grants are authorized by the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3711, *et seq.*, as amended by the Public Safety Partnership and Community Policing Act of 1994 (Title I of the Violent Crime Control and Law Enforcement Act of 1994) Public Law 103-322 ("the Act").

1.2 The purposes of these grants are to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety. COPS AHEAD and COPS FAST are part of the Department of Justice's efforts to increase the number of sworn law enforcement officers by 100,000 over current levels.

1.3 The Attorney General will delegate powers and responsibilities under this program to the Director of the Office of Community Oriented Policing Services ("COPS") upon his or her appointment.

1.3.1 The Director will have final authority, subject to applicable administrative or judicial rights of appeal conferred by statute or regulation, to award, deny, modify, condition, suspend, or terminate grants under this program. The Director will carry out these duties under the general guidance and direction of the Attorney General and the Associate Attorney General.

Section 2 - Eligibility To Apply for Grants

2.1 In general, grants under the Act may be made to States, units of local government, Indian tribal governments, other public and private (nongovernmental) entities, and multi-jurisdictional or regional consortia thereof.

2.1.1 "Unit of local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, or, for the purpose of assistance eligibility, any agency of the District of Columbia government, or the United States Government performing law enforcement functions in and for the District of Columbia, and the Trust Territory of the Pacific Islands.

2.1.2 An "Indian tribe" means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601, *et seq.*)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

Section 3 - Apportionment and Allocation of Grant Funds

3.1 Unless all applications submitted by any State and grantee within the State have been funded, each qualifying State, together with grantees within the State, shall receive in each fiscal year at least 0.5 percent of the total amount appropriated in the fiscal year for public safety and community policing grants.

3.1.1 "Qualifying State" means any State which has submitted an application for a grant, or in which an eligible entity has submitted an application for a grant, which meets the application requirements established by the Department of Justice and complies with all requirements of the Act, these guidelines and other applicable provisions of federal law and regulations.

3.1.2 "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands. For purposes of 3.1, American Samoa and the Commonwealth of the Northern Mariana Islands shall be considered as one state with 67 percent of the amounts allotted per state to be allotted to American Samoa and 33 percent to the

Commonwealth of the Northern Mariana Islands.

3.1.3 For purposes of applying 3.1, "the total amount appropriated in the fiscal year for public safety and community policing grants" shall be determined by the total appropriation less sums allocated to training and technical assistance, evaluations or studies, other lawful purposes, and amounts not obligated at the end of the fiscal year.

3.1.4 In determining the geographic apportionment for purposes of 3.1, a grant award that is not accepted by a grantee in a particular state shall be included within the apportionment for that state as if such grant had been accepted, provided that, should an award not be accepted, the Director will reward the funds to another eligible applicant in the same state, if one exists, if necessary to meet the requirements of 3.1.

3.1.5 Compliance with the requirement of 3.1 shall be determined by reference to all grants made within a fiscal year and not on a phase-by-phase or any other less comprehensive basis.

3.2 One-half of the amount allocated for grants in any fiscal year shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations exceeding 150,000 or by public and private entities that serve areas with populations exceeding 150,000, and one-half shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations of 150,000 or less or by public and private entities that serve areas with populations of 150,000 or less.

3.2.1 For purposes of implementing this allocation requirement, as well as for purposes of determining eligibility for particular programs, each application for a COPS grant will require the applicant to certify the population of the area served by the applicant. "Population" means the total resident population based on the adjusted 1990 data compiled by the United States Bureau of the Census.

Section 4 - Requirements Applicable to COPS AHEAD and COPS FAST

4.1 COPS AHEAD and COPS FAST grants will be made for programs, projects, and other activities to rehire law enforcement officers who have been laid off as a result of State and local budget reductions for deployment in community oriented policing, and/or to hire new, additional career law

enforcement officers in community oriented policing ("hire/rehire grants").

4.1.1 A "career law enforcement officer" means a person hired on a permanent basis who is authorized by law or by a State or local public agency to engage in or supervise the prevention, detection, or investigation of violations of criminal laws. "Career law enforcement officers" may include (but are not limited to) sworn municipal, county, state and tribal police officers, sheriffs' deputies, and certain officers employed by other law enforcement, investigative and prosecutorial agencies.

4.1.1 To be eligible for funding under a COPS grant, a rehired officer must have been separated from the force prior to October 1, 1994.

4.1.2 Grantees may transfer law enforcement officers who are experienced or trained in community oriented policing into positions funded by a COPS grant, while newly hired or rehired officers are assigned to training, probationary or other assignments as may be customary practice within the agency, provided that there must be an equal and contemporaneous transfer of current officers to community policing functions as newly hired or rehired officers are assigned to training and probationary assignments. Such transfers will not, however, affect the date on which grant funding for a newly hired or rehired officer commences.

4.1.2 "Community oriented policing" carries no single definition, nor is there a single approach to community oriented policing. However, community policing stresses the importance of police-citizen cooperation to control crime, maintain order, and improve the quality of life in America. The community is an active partner with police in defining the problems that are addressed, the tactics used, and how success is measured. Prevention, problem solving, and partnerships are tenets of community policing that have been emphasized by police, researchers, and policymakers. Community oriented policing can be distinguished from traditional reactive law enforcement activities.

4.2 The amount of hire/rehire grants is limited to 75 percent of the salary and benefits of a hired or rehired career law enforcement officer, subject to a ceiling of \$75,000 per officer. These restrictions apply over the life of a grant, not on an annual basis.

4.2.1 Benefits for purposes of a COPS AHEAD and COPS FAST grant include health insurance, retirement benefits, social security/FICA contributions, vacation and sick leave, and workers' compensation benefits. Benefits for purposes of a COPS AHEAD

and COPS FAST grant excluded equipment, uniforms, vehicles and overtime.

4.2.2 In order to make funds available to the widest number of communities and to expedite the processing of applications, the Department of Justice has determined that no waivers of the restrictions of 4.2 will be granted in connection with the COPS FAST and COPS AHEAD programs. Accordingly, applicants should not apply for more funding than is permitted in accordance with the maximum per officer grant amount as described above. The availability of waivers in connection with other COPS programs will be set forth in future program announcements.

4.2.3 Guidance concerning the matching and non-federal share requirements applicable to all Department of Justice grants is set forth in Title 28, Part 66 of the Code of Federal Regulations.

4.2.3.1 The non-federal share of hire/rehire grants may be applied from the following sources:

(a) Funds from States and local units of government that have a binding, non-speculative commitment (as of the time of the grant application) of matching funds for programs or projects, including funds appropriated by the State and available to local units of government for the purpose of satisfying the non-federal share requirement;

(b) Funds from the following, where consistent with applicable regulations:

(1) Housing and Community Development Act of 1974, 42 U.S.C. 5301, et seq.;

(2) asset forfeiture equitable sharing program, 21 U.S.C. 881(e);

(c) Funds contributed from private sources;

(d) Program income funds from seized assets and forfeitures;

(e) Funds appropriated by the Congress for the activities of any agency of either an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands; and

(f) Sources otherwise authorized by law.

4.2.4 The non-federal share of costs must consist of costs incurred during the grant period. In particular, COPS AHEAD grantees may not treat costs incurred or paid prior to the beginning of the grant period as the non-Federal share of grant costs.

4.2.5 COPS AHEAD and COPS FAST grants will be made for a period of three years. The federal share of a hire/rehire grant will decline year by year over the course of the grant, looking toward the continuation of the

increased hiring level using State or local sources of funding following the conclusion of federal support.

4.2.5.1 The rate at which the federal share will decline will be determined, prior to grant award, on a case-by-case basis in a flexible manner. Generally, efforts will be made to accommodate the circumstances and budget requirements of the grantee in the determination of the decrease in federal share.

4.3 If an officer hired or rehired using COPS grant funds leaves a grantee's force during the grant period, the grantee should seek to replace the former officer with a newly hired or rehired officer. The portion of grant funding allocable to such a position will be suspended during the period of time in which the position remains vacant.

4.4 Subject to the limitations of this subsection and requirements of applicable nondiscrimination or other laws, the selection, training and recruitment of career law enforcement officers to be hired or rehired is within the discretion and judgment of the grantee.

4.4.1 In order to further effective law enforcement, grantees will, to the extent practicable and consistent with applicable law, seek, recruit, and hire qualified persons who are members of racial and ethnic minority groups and qualified women to increase their ranks within the sworn positions in the law enforcement agency.

4.4.2 Grantees may hire former members of the Armed Forces to serve as career law enforcement officers, particularly in communities that are adversely affected by a recent military base closing.

4.4.2.1 "Former member of the Armed Forces" means a member of the Armed Forces of the United States who is involuntarily separated from the Armed Forces within the meaning of section 1141 of Title 10, United States Code.

4.4.3 In order to maintain the high quality and preparedness of the nation's law enforcement officers, in hiring new officers, grantees may not reduce the scope of their customary screening and training procedures, and must include community policing principles in their training curricula (including refresher training where appropriate).

4.4.3.1 Assistance in the development or adaptation of training curricula dealing with community policing is available upon request from the COPS Office.

4.5 No grant may be made without the submission and approval of a grant application in the form and manner prescribed by the COPS Office.

4.6 Grant funds must be used in accordance with these guidelines, applicable statutes, DOJ regulations, Notices, Handbooks, OMB circulars, grant agreements and award documents, budget documents, narratives and timetables. Copies of applicable requirements may be obtained from the COPS Office.

4.7 Each grant shall contain a monitoring component. Monitoring will include periodic financial and programmatic reporting and, in appropriate circumstances, on-site reviews. Guidelines for monitoring components will be issued by the COPS Office.

4.8 Selected grant recipients will be evaluated on the local level or as part of a national evaluation. Evaluation means the administration and conduct of studies and analyses to determine the impact and value of a project or program. These evaluations may include assessments of individual program implementations. In selected jurisdictions that are able to support outcome evaluations, an evaluation of the effectiveness of funded programs, projects, and activities may be undertaken. Outcome measures may include crime and victimization indicators, quality of life measures, community perceptions, and police perceptions of their own work.

4.9 Funds made available to States or units of local government shall not be used to supplant or replace State or local funds, or, in the case of Indian tribal governments, funds supplied by the Bureau of Indian Affairs, but shall be used to increase the amount of funds that would, in the absence of a COPS grant, be made available from State or local sources, or in the case of Indian tribal governments, from funds supplied by the Bureau of Indian Affairs.

4.9.1 Each application for a COPS grant shall contain a certification or assurance that COPS grant funds will not be used to supplant State or local funds, or, in the case of Indian tribal governments, funds supplied by the Bureau of Indian Affairs. The certification also must state that funds required to pay the non-federal portion of the cost of each program and project for which such grant is made shall be in addition to funds that would otherwise be made available for law enforcement.

4.9.2 To prevent supplanting, grantees must devote additional resources to law enforcement beyond those that would have been made available irrespective of the application for or receipt of a COPS grant. In general, absent a demonstrated justification unrelated to the COPS grant, COPS grants will be expected to

increase the grantee's force level above the number of funded (filled and vacant) sworn officers existing on October 1, 1994. The following additional indicators may be used by the Department of Justice to review applicants and monitor grants for the presence of supplanting:

(a) when COPS-funded hires are excluded, the level of new officers hired or rehired, or projected to be hired or rehired, during the current local fiscal year is inconsistent with recent historical practice;

(b) when COPS-funded hires are excluded, positive and timely steps have not been taken to offset funded vacancies existing on or after October 1, 1994 due to attrition; and/or

(c) any other indicia that suggest that the amount of non-federal resources devoted to the hiring or rehiring of law enforcement officers has decreased in expectation of or as the result of receipt of a COPS grant.

4.9.2.1 By way of example only, the following practices likely will be regarded as supplanting:

(a) A department with vacant funded positions at the start of the grant period or at any time thereafter hires no new officers other than COPS grant-funded hires.

(b) No timely hiring, other than COPS grant funded hiring, is done by a department to replace vacancies created by attrition existing at or after the beginning of a grant period.

(c) No hiring, other than COPS grant funded hiring, is undertaken by a department that has increased its force size in recent years.

(d) Grant funds are used to replace, or to allow the reallocation of, funds already committed in a local budget for law enforcement purposes.

4.9.3 Potential supplanting will be the subject of application review, as well as possible pre-award review, post-award monitoring, and audit.

4.9.4 If the use of the indicators in 4.9.2 suggests the potential presence of supplanting, the applicant or grantee will be required to supply documentation to the COPS Office demonstrating that the reduction in nonfederal resources occurred for reasons other than the receipt or expected receipt of federal funding. If the documentation does not establish a satisfactory justification, the Director may deny grant funding, suspend or terminate an approved grant, seek repayment of grant amounts already disbursed, and/or refer a grantee for civil or criminal enforcement.

4.9.5 An applicant seeking more definitive guidance concerning whether a particular use of COPS grant funds

will be viewed as supplanting by the COPS Office may request an advisory letter. A request for an advisory letter should be directed in writing to the COPS Office of General Counsel. Such a request should set forth all of the relevant factual circumstances. An advisory letter will be sent to the requester within ten business days of receipt of a complete request. A grantee shall not be penalized by the COPS Office for good-faith reliance on an advisory letter received under this provision.

4.10 Each grant application also must be accompanied by assurances or certifications of compliance with legal requirements imposed by provisions of federal law other than the program requirements specifically imposed by the Act. The required assurances and certifications will be set forth in the application materials. These provisions include requirements that:

(a) grantees maintain a drug-free workplace (28 CFR Part 57);

(b) grant applicants not be currently debarred or suspended from participation in federal transactions (28 CFR Part 67)

(c) grant funds not be used for federal lobbying efforts (28 CFR Part 69).

(d) grantees not discriminate or deny benefits or program participation on the grounds of race, color, religion, gender, national origin, age or disability, that grantees forward the COPS Office notice of certain findings of civil rights violations, and that recipients of grants of \$500,000 or more submit an Equal Employment Opportunity Plan (see 28 CFR Part 42, subparts C, D, E and G);

(e) certain restrictions on political activities by grantee employees be observed (see 5 U.S.C. § 1501, *et seq.*);

(f) facilities used in connection with the grant-funded project not be listed on the EPA's list of Violating Facilities;

(g) grantees observe the minimum wage and maximum hour provisions of the Federal Fair Labor Standards Act (29 U.S.C. § 201 *et seq.*), if they apply to the grantee;

(h) grantees establish safeguards against the use by employees of positions for private gain;

(i) grantees comply with Office of Management and Budget Circulars governing the audit of federally-funded programs; and

(j) grantees permit the Department of Justice and/or the Comptroller General access to records and documents relating to the grant.

4.10.1 Copies of statutes and regulations relating to any of the matters on which assurances are sought are available on request from the COPS Office of General Counsel.

4.11 Each State and local governmental applicant is responsible for compliance with the intergovernmental review process set forth in Executive Order 12372. Under this process, if the COPS grant program has been selected for review by the State in which the grantee is located, the applicant must submit a copy of the application to the State Single Point of Contact, if one exists. A listing of State Single Points of Contact will be contained in each COPS grant application kit. Submission of a copy of the application to the State Single Point of Contact may be done at the same time as the original application is submitted to the COPS Office.

4.12 Grantees must comply with the fiscal and audit requirements established by the Single Audit Act and OMB Circular A-128.

5.12.1 A grantee must establish or maintain an accounting system with sufficient fiscal controls to ensure adequate accountability for the funds that it has been awarded. Detailed guidance on these matters is contained in Chapter 4 of the Office of Justice Programs' Financial and Administrative Guide for Grants, which is available from the COPS Office on request. The grantee must permit access by representatives of the Department of Justice and/or the Comptroller General of the United States for the purpose of audit and examination to any pertinent books, documents, papers, or records of a grant recipient, and to the pertinent books, documents, papers, or records of State and local governments, persons, businesses, and other entities that are involved in programs, projects, or activities for which assistance is provided.

Section 5 Provisions Applicable to COPS AHEAD

5.1 COPS AHEAD is open to States, units of local government, Indian tribal governments, multi-jurisdictional or regional consortia and other public entities employing career law enforcement officers and serving populations of 50,000 or more. "Population" is defined at 3.2.1.

5.1.1 Recipients of COPS Phase I grants (announced October 12, 1994 based upon applications submitted under the Police Hiring Supplement program) are eligible to receive additional funding under COPS AHEAD if the combined hiring under both programs does not exceed 3 percent of the actual October 1, 1994 force level.

5.2 COPE AHEAD permits interested agencies to begin recruiting, hiring and training new officers to participate in community oriented policing in

anticipation of and conditional on the submission of a satisfactory grant application demonstrating compliance with all program and legal requirements.

5.3 It is projected that COPS AHEAD funds will be sufficient to enable interested agencies to increase the level of sworn law enforcement officers by up to a maximum of three percent of the actual number of sworn officers performing law enforcement functions employed on October 1, 1994 (subject to the limitation of 5.1.1).

5.3.1 In reporting the number of officers performing law enforcement functions, agencies should not include officers assigned to court security and jailing duties.

5.4 Agencies interested in participating in COPS AHEAD have been asked to submit a letter of intent in a form prescribed by the COPS Office postmarked by November 10, 1994. In light of the quick turn-around time required, agencies should make early submission of materials to avoid logistical problems caused by delivery-related problems. The percentage of force increase (up to three percent) available to the interested agencies under COPS AHEAD will be determined based upon the response received.

5.4.1 If requests from interested agencies exceed the funds allocated to COPS AHEAD, the Attorney General or her designee has discretion to adjust the amount or starting date of grants. Any such adjustments shall seek to distribute the available funds in a manner that best serves the objectives of the Act.

5.5 Interested agencies will receive further notification from the COPS Office on or about December 19, 1994.

5.5.1 If eligibility is confirmed and no other matters are identified that would preclude a subsequent grant award, this "Go Ahead" notification will confirm eligibility to participate in COPS AHEAD and will set forth the number of officers that the applicant is eligible to begin hiring, recruiting and training pending submission and approval of a grant application. The application kit also will be transmitted with this notification.

5.5.2 If the level of response to COPS AHEAD requires the Attorney General or her designee to adjust the starting date of grants, the notification will advise an affected agency that it is anticipated that its COPS AHEAD application will not be funded during this fiscal year. Such a notification does not affect the agency's right to seek funding under any other COPS grant programs for this fiscal year.

5.5.3 A "Go Ahead" notification does not constitute a grant award or a

decision or commitment to make a grant award. A grant decision will be made only upon submission of a formal grant application and approval requires demonstrated compliance with all program conditions and other requirements of applicable law. No enforceable obligation is created by the Go Ahead notification, rather, this notification, and the COPS AHEAD program itself, has been designed in response to requests from interested agencies for a procedure by which hiring and training of new officers could commence prior to completion of grant application processing. The risk of nonapproval remains entirely upon the applicant.

5.5.4 If any issues related to compliance with legal requirements (e.g., ongoing violations of Title VI of the Civil Rights Act of 1964) that would or may preclude federal funding are known to the COPS Office as of the date of preparation of the notification letters, the COPS Office will seek to identify such issues in the notification letter and, if appropriate, seek to resolve such issues in conjunction with the applicant. Failure to identify such an issue in the notification letter does not waive the Department of Justice's right to require compliance with the applicable legal requirements as a condition of grant approval.

5.6 Officers proposed to be funded under COPS AHEAD must be hired no later than the agency's first entering class of new officers with available capacity in the calendar year 1995.

5.6.1 Absent other circumstances, hiring undertaken in response to a COPS AHEAD Go Ahead letter (and thus prior to a grant approval or award) will not be considered to constitute nonfederal expenditures for purposes of determining the presence of supplanting. If other information indicates that the hiring ostensibly undertaken in response to a COPS AHEAD Go Ahead letter was likely to have been undertaken regardless of the availability of a COPS AHEAD grant, then it may be concluded that supplanting in fact occurred.

5.6.2 A COPS AHEAD grant may not be used to pay for the salary or benefits of an officer hired or rehired prior to October 1, 1994, absent a clear and convincing demonstration by the applicant that the hiring or rehiring of such officer was specifically contingent upon the receipt of a COPS grant.

5.7 COPS AHEAD application kits will be mailed to all eligible agencies that receive a Go Ahead notification. In addition, application kits may be obtained upon request from the COPS Office, but may not be submitted by an

agency that did not receive a Go Ahead notification.

5.7.1 The COPS AHEAD application kit will contain detailed instructions on how to complete the application. In addition to standard assurances and certifications (see 4.10), each COPS AHEAD application will require the applicant to submit an application summary, a budget narrative, and to:

(a) include a long-term strategy and detailed implementation plan that reflects the participation of, and consultation and cooperation with community members and groups (e.g., school, civic, neighborhood and tenant associations), organizations of police employees, and appropriate private and public agencies and reflects consideration of the applicable state's statewide Byrne Grant strategy developed under section 503(a)(1) of the Omnibus Crime Control and Safe Streets Act (42 U.S.C. 3753(a)(1));

(i) describe steps taken to consult with the organization which acts as the legally authorized bargaining representative of the applicant's law enforcement officer employees, if applicable, and submit any correspondence or other documentation reflecting such consultation;

(b) demonstrate a specific public safety need;

(c) explain the applicant's inability to address the need without federal assistance;

(d) identify related governmental and community initiatives which complement or will be coordinated with the proposal;

(e) certify that there has been appropriate coordination with all affected agencies;

(f) outline the initial and ongoing level of community support for implementing the proposal including financial and in-kind contributions or other tangible commitments;

(g) specify plans for obtaining necessary support and continuing the proposed program, project, or activity following the conclusion of federal support;

(h) specify plans for the assumption by the applicant of a progressively larger share of the cost in the course of time, looking toward the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support;

(i) assess the impact, if any, of the increase in police resources on other components of the criminal justice system;

(j) explain how the grant will be utilized to reorient the affected law enforcement agency's mission toward community-oriented policing or

enhance its involvement in or commitment to community-oriented policy; and

(k) provide assurances that, in order to further effective law enforcement, the applicant will, to the extent practicable and consistent with applicable law, seek, recruit, and hire qualified persons who are members of racial and ethnic minority groups and qualified women to increase their ranks within the sworn positions in the law enforcement agency.

5.7.2 COPS AHEAD applicants also must submit an Application for Federal Assistance (Standard Form SF-424), which will be provided in the application kit. The SF-424 is the face sheet for the application.

5.8 COPS AHEAD applications must be submitted no later than February 15, 1995. Completed applications should be mailed to COPS AHEAD, P.O. Box 14440, Washington, DC 20044, and generally will be processed in the order in which they were received.

5.8.1 The COPS Office will notify an applicant of any curable deficiencies in the application and will make available any consultations or technical assistance needed to assist in the curing of such deficiencies.

5.9 Grant determinations will be made in writing, with sufficient documentation to indicate the basis upon which assistance was provided or denied.

5.9.1 If an application is approved, a grant award package, including any special conditions determined to be appropriate based upon the application (including grantee-specific monitoring requirements), will be prepared and forwarded to the applicant. The award package must be signed by the grantee and returned, and necessary financial arrangements for funds transfer made, before grant funding will commence.

5.10 Grant funding will commence as of the date of the beginning of the grant period or the date on which the officers to be funded are hired, whichever occurs later.

5.10.1 COPS AHEAD grant funding is prospective only from the beginning of the grant award period. Grant funds may not be used to pay for salaries or expenses incurred prior to the date of the beginning of the grant period, regardless of when the officers to be funded were hired.

5.11 A COPS AHEAD application, whether successful or unsuccessful, will have no bearing on an applicant's eligibility to apply for any other COPS grants.

5.11.1 An award under COPS AHEAD may be considered in evaluating the public safety need in

connection with subsequent applications by the same agency.

5.11.2 COPS application deadlines and processing time will be designed so that, to the extent practicable, COPS AHEAD applicants will be advised of the decision on a COPS AHEAD application prior to the deadline for the applications for another COPS program.

Section 6 Provisions Applicable to COPS FAST

6.1 COPS FAST is open to States, units of local government, Indian tribal governments, multijurisdictional or regional consortia and other public entities employing career law enforcement officers serving populations under 50,000. "Population" is defined at 3.2.1.

6.1.1 Recipients of COPS Phase I grants (announced October 12, 1994 based upon Police Hiring Supplement applications) are eligible to receive additional funding under COPS FAST.

6.2 COPS FAST uses a streamlined application kit to enable grant applications to be submitted and processed in very short time periods.

6.2.1 COPS FAST Applications will be available on or about November 1, 1994, and will be mailed to the extent practicable to all eligible agencies. In addition, application kits may be obtained from the COPS Office, the Department of Justice Response Center, offices of members of Congress, and offices of United States Attorneys.

6.2.2 In addition to standard assurances and certifications, each COPS FAST application will require the applicant to complete a one-page application (COPS Form 001) containing basic identifying information about the agency, the actual number of sworn officers performing law enforcement functions as of October 1, 1994, the number of new officers requested, population served, territorial area served, entry level salary and benefits information, the number of UCR Part I violent crimes during 1993, and an agreement to abide by the required assurances and certifications.

6.2.2.1 Under the authority of the section 1702(d)(1) of the Act, and in the interest of expediting the submission and processing of COPS FAST applications, the Attorney General has waived the formal application requirements of section 1702(c)(1), (2), (3), (4), (5), (6), (7), (8), (9) and (10).

6.3 Completed applications should be mailed to COPS FAST, P.O. Box 14440, Washington, DC 20044, and must be postmarked by December 31, 1994. Telecopied applications will be accepted provided that the front and back of the application form are

transmitted, and must be sent by December 31, 1994 to (202) 514-9272.

6.4 Based upon the level of response, the level of funding available to each applicant will be calculated.

6.4.1 If requests from interested agencies exceed the funds allocated to COPS FAST, the Attorney General or her designee has discretion to adjust the amount or starting date of grants. Any such adjustments shall seek to distribute the available funds in a manner that best serves the objectives of the Act.

6.5 Determinations on completed COPS FAST applications generally will be made beginning on or about January 2, 1995 with a targeted completion date, subject to the number of applications submitted, by February 1, 1995.

6.5.1 The COPS Office will notify an applicant of any curable deficiencies in the application and will make available any technical assistance or consultations needed to assist in the curing of such deficiencies.

6.6 Applicants will be notified on or about February 1, 1995 whether an application has been conditionally approved, has been denied, or has been deferred.

6.6.1 A notice of conditional approval will set forth the number of officers that the applicant may begin to recruit, hire and train pending final approval of the grant application. Generally, the approval will be conditioned on the submission of a brief description of the manner in which the proposed hires will be utilized to implement community oriented policing in the applicant agency and continue the efforts after conclusion of the grant period, as well as the submission of budgetary information reflecting the program's funding limits and required non-federal contribution. Other items of information may be required on a case-by-case basis.

6.6.1.1 In the preparation of a community policing strategy, COPS FAST applicants must consult with the organization which acts as the legally authorized bargaining representative of the applicant's law enforcement officer employees, if applicable.

6.6.1.2 Technical assistance and consultations will be provided to assist in the preparation of community policing strategies. Requests for technical assistance should be directed to the COPS Office, P.O. Box 14440, Washington, DC 20044 or by telephone to (202) 514-2058.

6.6.2 If the level of response to COPS FAST requires the Attorney General or her designee to adjust the starting date of grants, the notification will advise an affected agency that it is anticipated that its COPS FAST

application will not be funded during this fiscal year. Such a notification does not affect the agency's right to seek funding under other COPS grant programs for this fiscal year.

6.7 Grant determinations will be made in writing, with sufficient documentation to indicate the basis upon which assistance was provided or denied.

6.8 Following submission of any required information, if a COPS FAST Application is finally approved, a grant award package, including any special conditions determined to be appropriate based upon the application (including grantee-specific monitoring requirements), will be prepared and forwarded to the applicant. The award package must be signed by the grantee and returned, and necessary financial arrangements for funds transfer made, before grant funding will commence.

6.8.1 Grant funding will commence as of the date of the beginning of the grant period or the date on which the officers to be funded are hired, whichever occurs later.

6.8.2 COPS FAST grant funding is prospective only. Grant funds may not be used to pay for salaries or expenses incurred prior to the date of the beginning of the grant period, regardless of when the officers to be funded were hired.

6.9 COPS application deadlines and processing time will be designed so that, to the extent practicable, COPS FAST applicants will be advised of the decision on a COPS FAST application prior to the deadline for the applications for another COPS program.

Section 7 General Administrative Provisions

7.1 COPS employees involved in the review of applications and the making of funding decisions are limited in their ability to provide advance information to any person concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Accordingly, wherever possible, applicants should consult publicly available guidance documents for the resolution of a program question.

7.1.1 Unless superseded by a regulation, guideline, handbook or other directive promulgated by the COPS Office, practice and procedures followed by the Office of Justice Programs in the administration of discretionary grant programs shall be followed by COPS grantees.

7.1.1.1 In particular, the current version of the Office of Justice Programs Financial and Administrative Guide for Grants (M7100-1) should be consulted

for guidance on financial,

administrative or procedural issues.

7.1.1.2 Prior opinions of the Office of General Counsel of the Office of Justice Programs or its predecessor(s) shall be regarded as persuasive, although not binding, authority for the solution of legal issues arising in connection with COPS grants.

7.2 Freedom of Information Act requests should be addressed to the COPS Office of General Counsel.

7.3 The COPS Office shall maintain a public reading area, as required by the Freedom of Information Act, at 633 Indiana Avenue, N.W., Third Floor, Washington, DC 20531.

Section 8 Sanctions

8.1 The Department of Justice may impose sanctions if it is determined, as a result of periodic monitoring or reviews or otherwise, that the grantee

(a) Is not substantially complying with the requirements of Act, these guidelines or with other provisions of federal law;

(b) Fails to make satisfactory progress toward the goals or strategies set forth in its application, as reflected by performance and status reports;

(c) Does not adhere to grant agreement requirements or special conditions;

(d) Proposes substantial plan changes to the extent that, if originally submitted, would have resulted in the application not being selected for funding;

(e) Does not submit reports;

(f) Files a false certification in connection with an application, periodic report or other document submitted to the COPS Office;

(g) Other good cause shown.

8.2 The Department of Justice may impose the following sanctions:

a) Temporarily withhold cash payments pending correction of the deficiency by the grantee;

(b) Disallow all or part of the cost of the activity or action not in compliance;

(c) Wholly or partly suspend or terminate the current award for the grantee's program;

(d) Require that some or all of the grant amounts be remitted to the Department of Justice;

(e) Condition a future grant and elect not to provide future grant funds to the grantee until appropriate actions are taken to ensure compliance;

(f) Withhold further awards for the program; or

(g) Recommend civil or criminal enforcement by other agencies; and

(h) Take other remedies that may be legally available.

8.3 Except as provided in 8.3.1, the hearing and appeal procedures set forth

in 28 CFR Part 18 shall apply to grant recipients who seek to contest determinations of noncompliance by the Department of Justice. References in 28 CFR Part 18 to the Office of Justice Programs and its officials shall be deemed to be references to the COPS Office and its Director, as may be appropriate.

8.3.1 Legal responsibility for the enforcement of the nondiscrimination provisions of Omnibus Crime Control and Safe Streets Act, as amended (42 U.S.C. 3789d) lies with the Office of Justice Programs. Compliance procedures are set forth at 28 CFR Parts 18 and 42.

Dated January 9, 1995.

Janel Reao,

Attorney General.

(FR Doc. 95-1114 Filed 1-17-95; 8:45 am.)

BILLING CODE 4110-01-M

Lodging of Consent Decree in *United States v. Ford Motor Company*, Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that a proposed consent decree in *United States v. Ford Motor Company*, Civil Action No. 94CV-40501, was lodged with the United States District Court for the Eastern District of Michigan, Flint Office on December 29, 1994. This action was brought pursuant to the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9601, et seq. to recover costs expended by the United States in connection with the "Spiegelberg Superfund Site," (See the National Priorities List in 40 CFR Part 300, Appendix B) which is located on Spicer Road, in Green Oak Township, Livingston County, Michigan. Under the proposed decree, Ford has agreed to pay \$935,000 in partial reimbursement of past response costs incurred by the United States in connection with the Spiegelberg Site.

The Department of Justice will receive comments relating to the proposed consent decree for a period of 30 days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530. All comments should refer to *United States v. Ford Motor Company*, DJ Ref. #90-11-2-285A.

The proposed consent decree may be examined at the Office of the United States Attorney for the Eastern District of Michigan, Flint Office, 600 Church Street, room 206 Federal Building, Flint.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

April 12, 1985

CIRCULAR No. A-128

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: Audits of State and Local Governments.

1. Purpose. This Circular is issued pursuant to the Single Audit Act of 1984, P.L. 98-502. It establishes audit requirements ~~for State and local governments that receive Federal aid, and~~ defines Federal responsibilities for implementing and monitoring those requirements.

2. Supersession. The Circular supersedes Attachment P, "Audit Requirements," of Circular A-102, "Uniform requirements for grants to State and local governments."

3. Background. The Single Audit Act builds upon earlier efforts to improve audits of Federal aid programs. The Act requires State or local governments that receive \$100,000 or more a year in Federal funds to have an audit made for that year. Section 7505 of the Act requires the Director of the Office of Management and Budget to prescribe policies, procedures and guidelines to implement the Act. It specifies that the Director shall designate "cognizant" Federal agencies; determine criteria for making appropriate charges to Federal programs for the cost of audits, and provide procedures to assure that small firms or firms owned and controlled by disadvantaged individuals have the opportunity to participate in contracts for single audits.

4. Policy. The Single Audit Act requires the following:

a. State or local governments that receive \$100,000 or more a year in Federal financial assistance shall have an audit made in accordance with this Circular.

b. State or local governments that receive between \$25,000 and \$100,000 a year shall have an audit made in accordance with this Circular, or in accordance with Federal laws and regulations governing the programs they participate in.

c. State or local governments that receive less than \$25,000 a year shall be exempt from compliance with the Act and other Federal audit requirements. These State and local governments shall be governed by audit requirements prescribed by State or local law or regulation.

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d. Nothing in this paragraph exempts State or local governments from maintaining records of Federal financial assistance or from providing access to such records to Federal agencies, as provided for in Federal law or in Circular A-102, "Uniform requirements for grants to State or local governments."

5. Definitions. For the purposes of this Circular the following definitions from the Single Audit Act apply:

a. "Cognizant agency" means the Federal agency assigned by the Office of Management and Budget to carry out the responsibilities described in paragraph 11 of this Circular.

b. "Federal financial assistance" means assistance provided by a Federal agency in the form of grants, contracts, cooperative agreements, loans, loan guarantees, property, interest subsidies, insurance, or direct appropriations, ~~but does not include direct~~ Federal cash assistance to individuals. It includes awards received directly from Federal agencies, or indirectly through other units of State and local governments.

c. "Federal agency" has the same meaning as the term 'agency' in section 551(1) of Title 5, United States Code.

d. "Generally accepted accounting principles" has the meaning specified in the generally accepted government auditing standards.

e. "Generally accepted government auditing standards" means the Standards For Audit of Government Organizations, Programs, Activities, and Functions, developed by the Comptroller General, dated February 27, 1961.

f. "Independent auditor" means:

(1) "a State or local government auditor who meets the independence standards specified in generally accepted government auditing standards; or

(2) a public accountant who meets such independence standards.

g. "Internal controls" means the plan of organization and methods and procedures adopted by management to ensure that:

(1) resource use is consistent with laws, regulations, and policies;

(2) resources are safeguarded against waste, loss, and misuse; and

(3) reliable data are obtained, maintained, and fairly disclosed in reports.

n. "Indian tribe" means any Indian tribe, band, nations, or other organized group or community, including any Alaskan Native village or regional or village corporations (as defined in, or established under, the Alaskan Native Claims Settlement Act) that is recognized by the United States as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

i. "Local government" means any unit of local government within a State, including a county, a borough, municipality, city, town, township, parish, local public authority, special district, school district, intrastate district, council of governments, and any other instrumentality of local government.

j. "Major Federal Assistance Program," as defined by . P.L. 98-502, ~~is described in the Attachment to this Circular.~~

k. "Public accountants" means those individuals who meet the qualification standards included in generally accepted government auditing standards for personnel performing government audits.

l. "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, any instrumentality thereof, and any multi-State, regional, or interstate entity that has governmental functions and any Indian tribe.

m. "Subrecipient" means any person or government department, agency, or establishment that receives Federal financial assistance to carry out a program through a State or local government, but does not include an individual that is a beneficiary of such a program. A subrecipient may also be a direct recipient of Federal financial assistance.

6. Scope of audit. The Single Audit Act provides that:

a. The audit shall be made by an independent auditor in accordance with generally accepted government auditing standards covering financial and compliance audits.

b. The audit shall cover the entire operations of a State or local government or, at the option of that government, it may cover departments, agencies or establishments that received, expended, or otherwise administered Federal financial assistance during the year. However, if a State or local government receives \$25,000 or more in General Revenue Sharing Funds in a fiscal year, it shall have an audit of its entire operations. A series of audits of individual departments, agencies, and establishments for the same fiscal year may be considered a single audit.

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c. Public hospitals and public colleges and universities may be excluded from State and local audits and the requirements of this Circular. However, if such entities are excluded, audits of these entities shall be made in accordance with statutory requirements and the provisions of Circular A-110, "Uniform requirements for grants to universities, hospitals, and other nonprofit organizations."

d. The auditor shall determine whether:

(1) the financial statements of the government, department, agency or establishment present fairly its financial position and the results of its financial operations in accordance with generally accepted accounting principles;

(2) ~~the organization has internal accounting~~ and other control systems to provide reasonable assurance that it is managing Federal financial assistance programs in compliance with applicable laws and regulations; and

(3) the organization has complied with laws and regulations that may have material effect on its financial statements and on each major Federal assistance program.

7. Frequency of audit. Audits shall be made annually unless the State or local government has, by January 1, 1987, a constitutional or statutory requirement for less frequent audits. For those governments, the cognizant agency shall permit biennial audits, covering both years, if the government so requests. It shall also honor requests for biennial audits by governments that have an administrative policy calling for audits less frequent than annual, but only for fiscal years beginning before January 1, 1987.

8. Internal control and compliance reviews. The Single Audit Act requires that the independent auditor determine and report on whether the organization has internal control systems to provide reasonable assurance that it is managing Federal assistance programs in compliance with applicable laws and regulations.

a. Internal control review. In order to provide this assurance the auditor must make a study and evaluation of internal control systems used in administering Federal assistance programs. The study and evaluation must be made whether or not the auditor intends to place reliance on such systems. As part of this review, the auditor shall:

(1) Test whether these internal control systems are functioning in accordance with prescribed procedures.

(2) Examine the recipient's system for monitoring subrecipients and obtaining and acting on subrecipient audit reports.

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b. Compliance review. The law also requires the auditor to determine whether the organization has complied with laws and regulations that may have a material effect on each major Federal assistance program.

(1) In order to determine which major programs are to be tested for compliance, State and local governments shall identify in their accounts all Federal funds received and expended and the programs under which they were received. This shall include funds received directly from Federal agencies and through other State and local governments.

(2) The review must include the selection and testing of a representative number of charges from each major Federal assistance program. ~~The selection and testing of transactions~~ shall be based on the auditor's professional judgment considering such factors as the amount of expenditures for the program and the individual awards; the newness of the program or changes in its conditions; prior experience with the program, particularly as revealed in audits and other evaluations (e.g., inspections, program reviews); the extent to which the program is carried out through subrecipients; the extent to which the program contracts for goods or services; the level to which the program is already subject to program reviews or other forms of independent oversight; the adequacy of the controls for ensuring compliance; the expectation of adherence or lack of adherence to the applicable laws and regulations; and the potential impact of adverse findings.

(a) In making the test of transactions, the auditor shall determine whether:

-- the amounts reported as expenditures were for allowable services, and

-- the records show that those who received services or benefits were eligible to receive them.

(b) In addition to transaction testing, the auditor shall determine whether:

-- matching requirements, levels of effort and earmarking limitations were met,

-- Federal financial reports and claims for advances and reimbursements contain information that is supported by the books and records from which the basic financial statements have been prepared, and

-- amounts claimed or used for matching were determined in accordance with OMB Circular A-87, "Cost principles for State and local governments," and Attachment F of Circular A-102, "Uniform requirements for grants to State and local governments."

(c) The principal compliance requirements of the largest Federal aid programs may be ascertained by referring to the Compliance Supplement for Single Audits of State and Local Governments, issued by OMB and available from the Government Printing Office. For those programs not covered in the Compliance Supplement, the auditor may ascertain compliance requirements by researching the statutes, regulations, and agreements governing individual programs.

(3) Transactions related to other Federal assistance programs that are selected in connection with examinations of financial statements and evaluations of internal controls shall be tested for compliance with Federal laws and regulations that apply to such transactions.

9. Subrecipients. State or local governments that receive Federal financial assistance and provide \$25,000 or more of it in a fiscal year to a subrecipient shall:

a. determine whether State or local subrecipients have met the audit requirements of this Circular and whether subrecipients covered by Circular A-110, "Uniform requirements for grants to universities, hospitals, and other nonprofit organizations," have met that requirement;

b. determine whether the subrecipient spent Federal assistance funds provided in accordance with applicable laws and regulations. This may be accomplished by reviewing an audit of the subrecipient made in accordance with this Circular, Circular A-110, or through other means (e.g., program reviews) if the subrecipient has not yet had such an audit;

c. ensure that appropriate corrective action is taken within six months after receipt of the audit report in instances of noncompliance with Federal laws and regulations;

d. consider whether subrecipient audits necessitate adjustment of the recipient's own records; and

e. require each subrecipient to permit independent auditors to have access to the records and financial statements as necessary to comply with this Circular.

10. Relation to other audit requirements. The Single Audit Act provides that an audit made in accordance with this Circular shall be in lieu of any financial or financial compliance-audit required under individual Federal assistance programs. To the extent that a single audit provides Federal agencies with information and assurances they need to carry out their overall responsibilities, they shall rely upon and use such information. However, a Federal agency shall make any additional audits which are necessary to carry out its responsibilities under Federal law and regulation. Any additional Federal audit effort shall be planned and carried out in such a way as to avoid duplication.

a. The provisions of this Circular do not limit the authority of Federal agencies to make, or contract for audits and evaluations of Federal financial assistance programs, nor do they limit the authority of ~~any Federal agency Inspector General or~~ other Federal audit official.

b. The provisions of this Circular do not authorize any State or local government or subrecipient thereof to constrain Federal agencies, in any manner, from carrying out additional audits.

c. A Federal agency that makes or contracts for audits in addition to the audits made by recipients pursuant to this Circular shall, consistent with other applicable laws and regulations, arrange for funding the cost of such additional audits. Such additional audits include economy and efficiency audits, program results audits, and program evaluations.

11. Cognizant agency responsibilities. The Single Audit Act provides for cognizant Federal agencies to oversee the implementation of this Circular.

a. The Office of Management and Budget will assign cognizant agencies for States and their subdivisions and larger local governments and their subdivisions. Other Federal agencies may participate with an assigned cognizant agency, in order to fulfill the cognizance responsibilities. Smaller governments not assigned a cognizant agency will be under the general oversight of the Federal agency that provides them the most funds whether directly or indirectly.

b. A cognizant agency shall have the following responsibilities:

(1) Ensure that audits are made and reports are received in a timely manner and in accordance with the requirements of this Circular.

(2) Provide technical advice and liaison to State and local governments and independent auditors.

(3) Obtain or make quality control reviews of selected audits made by non-Federal audit organizations, and provide the results, when appropriate, to other interested organizations.

(4) Promptly inform other affected Federal agencies and appropriate Federal law enforcement officials of any reported illegal acts or irregularities. They should also inform State or local law enforcement and prosecuting authorities, if not advised by the recipient, of any violation of law within their jurisdiction.

(5) Advise the recipient of audits that have been found not to have met the requirements set forth in this Circular. In such instances, the recipient will be expected to work with the auditor to take corrective action. If corrective action is not taken, the cognizant agency shall notify the recipient and Federal awarding agencies of the facts and make recommendations for followup action. Major inadequacies or repetitive substandard performance of independent auditors shall be referred to appropriate professional bodies for disciplinary action.

(6) Coordinate, to the extent practicable, audits made by or for Federal agencies that are in addition to the audits made pursuant to this Circular; so that the additional audits build upon such audits.

(7) Oversee the resolution of audit findings that affect the programs of more than one agency.

12. Illegal acts or irregularities. If the auditor becomes aware of illegal acts or other irregularities, prompt notice shall be given to recipient management officials above the level of involvement. (See also paragraph 13(a)(3) below for the auditor's reporting responsibilities.) The recipient, in turn, shall promptly notify the cognizant agency of the illegal acts or irregularities and of proposed and actual actions, if any. Illegal acts and irregularities include such matters as conflicts of interest, falsification of records or reports, and misappropriations of funds or other assets.

13. Audit Reports. Audit reports must be prepared at the completion of the audit. Reports serve many needs of State and local governments as well as meeting the requirements of the Single Audit Act.

a. The audit report shall state that the audit was made in accordance with the provisions of this Circular. The report shall be made up of at least:

(1) The auditor's report on financial statements and on a schedule of Federal assistance; the financial statements; and a schedule of Federal assistance, showing the total expenditures for

each Federal assistance program as identified in the Catalog of Federal Domestic Assistance. Federal programs or grants that have not been assigned a catalog number shall be identified under the caption "other Federal assistance."

(2) The auditor's report on the study and evaluation of internal control systems must identify the organization's significant internal accounting controls, and those controls designed to provide reasonable assurance that Federal programs are being managed in compliance with laws and regulations. It must also identify the controls that were evaluated, the controls that were not evaluated, and the material weaknesses identified as a result of the evaluation.

(3) The auditor's report on compliance containing:

- a statement of positive assurance with respect to those items tested for compliance, including compliance with law and regulations pertaining to financial reports and claims for advances and reimbursements;

- negative assurance on those items not tested;

- a summary of all instances of noncompliance; and

- an identification of total amounts questioned, if any, for each Federal assistance award, as a result of noncompliance.

b. The three parts of the audit report may be bound into a single report, or presented at the same time as separate documents.

c. All fraud abuse, or illegal acts or indications of such acts, including all questioned costs found as the result of these acts that auditors become aware of, should normally be covered in a separate written report submitted in accordance with paragraph 13f.

d. In addition to the audit report, the recipient shall provide comments on the findings and recommendations in the report, including a plan for corrective action taken or planned and comments on the status of corrective action taken on prior findings. If corrective action is not necessary, a statement describing the reason it is not should accompany the audit report.

e. The reports shall be made available by the State or local government for public inspection within 30 days after the completion of the audit.

f. In accordance with generally accepted government audit standards, reports shall be submitted by the auditor to the organization audited and to those requiring or arranging for the audit. In addition, the recipient shall submit copies of the reports to each Federal department or agency that provided Federal assistance funds to the recipient. Subrecipients shall submit copies to recipients that provided them Federal assistance funds. The reports shall be sent within 30 days after the completion of the

g. Recipients of more than \$100,000 in Federal funds shall submit one copy of the audit report within 30 days after issuance to a central clearinghouse to be designated by the Office of Management and Budget. The clearinghouse will keep completed audits on file and follow up with State and local governments that have not submitted required audit reports.

h. Recipients shall keep audit reports on file for three years from their issuance.

14. Audit Resolution. As provided in paragraph 11, the cognizant agency shall be responsible for monitoring the resolution of audit findings that affect the programs of more than one Federal agency. Resolution of findings that relate to the programs of a single Federal agency will be the responsibility of the recipient and that agency. Alternate arrangements may be made on a case-by-case basis by agreement among the agencies concerned.

Resolution shall be made within six months after receipt of the report by the Federal departments and agencies. Corrective action should proceed as rapidly as possible.

15. Audit workpapers and reports. Workpapers and reports shall be retained for a minimum of three years from the date of the audit report, unless the auditor is notified in writing by the cognizant agency to extend the retention period. Audit workpapers shall be made available upon request to the cognizant agency or its designee or the General Accounting Office, at the completion of the audit.

16. Audit Costs. The cost of audits made in accordance with the provisions of this Circular are allowable charges to Federal assistance programs.

a. The charges may be considered a direct cost or an allocated indirect cost, determined in accordance with the provision of Circular A-87, "Cost principles for State and local governments."

b. Generally, the percentage of costs charged to Federal assistance programs for a single audit shall not exceed the percentage that Federal funds expended represent of total funds expended by the recipient during the fiscal year. The percentage may be exceeded, however, if appropriate documentation demonstrates higher actual cost.

17. Sanctions. The Single Audit Act provides that no cost may be charged to Federal assistance programs for audits required by the Act that are not made in accordance with this Circular. In cases of continued inability or unwillingness to have a proper audit, Federal agencies must consider other appropriate sanctions including:

-- withholding a percentage of assistance payments

-- withholding or disallowing overhead costs, and

-- suspending the Federal assistance agreement until the audit is made.

18. Auditor Selection. In arranging for audit services State and local governments shall follow the procurement standards prescribed by Attachment O of Circular A-102, "Uniform requirements for grants to State and local governments." The standards provide that while recipients are encouraged to enter into intergovernmental agreements for audit and other services, analysis should be made to determine whether it would be more economical to purchase the services from private firms. In instances where use of such intergovernmental agreements are required by State statutes (e.g., audit services) these statutes will take precedence.

19. Small and Minority Audit Firms. Small audit firms and audit firms owned and controlled by socially and economically disadvantaged individuals shall have the maximum practicable opportunity to participate in contracts awarded to fulfill the requirements of this Circular. Recipients of Federal assistance shall take the following steps to further this goal:

a. Assure that small audit firms and audit firms owned and controlled by socially and economically disadvantaged individuals are used to the fullest extent practicable.

b. Make information on forthcoming opportunities available and arrange timeframes for the audit so as to encourage and facilitate participation by small audit firms and audit firms owned and controlled by socially and economically disadvantaged individuals.

c. Consider in the contract process whether firms competing for larger audits intend to subcontract with small audit firms and audit firms owned and controlled by socially and economically disadvantaged individuals.

d. Encourage contracting with small audit firms or audit firms owned and controlled by socially and economically disadvantaged individuals which have traditionally audited government programs and, in such cases where this is not possible, assure that these firms are given consideration for audit subcontracting opportunities.

e. Encourage contracting with consortiums of small audit firms as described in paragraph (a) above when a contract is too large for an individual small audit firm or audit firm owned and controlled by socially and economically disadvantaged individuals.

f. Use the services and assistance, as appropriate, of such organizations as the Small Business Administration in the solicitation and utilization of small audit firms or audit firms owned and controlled by socially and economically disadvantaged individuals.

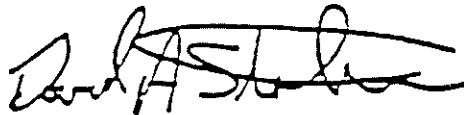
20. Reporting. Each Federal agency will report to the Director of OMB on or before March 1, 1987, and annually thereafter on the effectiveness of State and local governments in carrying out the provisions of this Circular. The report must identify each State or local government or Indian tribe that, in the opinion of the agency, is failing to comply with the Circular.

21. Regulations. Each Federal agency shall include the provisions of this Circular in its regulations implementing the Single Audit Act.

22. Effective date. This Circular is effective upon publication and shall apply to fiscal years of State and local governments that begin after December 31, 1984. Earlier implementation is encouraged. However, until it is implemented, the audit provisions of Attachment P to Circular A-102 shall continue to be observed.

23. Inquiries. All questions or inquiries should be addressed to Financial Management Division, Office of Management and Budget, telephone number 202/395-3993.

24. Sunset review date. This Circular shall have an independent policy review to ascertain its effectiveness three years from the date of issuance.



David A. Stockman
Director

Definition of Major Program as Provided
in P.L. 98-502

"Major Federal Assistance Program," for State and local governments having Federal assistance expenditures between \$100,000 and \$100,000,000, means any program for which Federal expenditures during the applicable year exceed the larger of \$300,000, or 3 percent of such total expenditures.

Where total expenditures of Federal assistance exceed \$100,000,000, the following criteria apply:

Total Expenditures of Federal Financial Assistance for All Programs		Major Federal Assistance Program Means any Program That Exceeds
<u>more than</u>	<u>but less than</u>	
\$100 million	1 billion	\$ 3 million
1 billion	2 billion	4 million
2 billion	3 billion	7 million
3 billion	4 billion	10 million
4 billion	5 billion	13 million
5 billion	6 billion	16 million
6 billion	7 billion	19 million
over 7 billion		20 million

APPENDIX B

Assurances and Certifications

Assurances

Several provisions of federal law and policy apply to all grant programs. We (the Office of Community Oriented Policing Services) need to secure your assurance that you (the applicant) will comply with these provisions. If you would like further information about any of the matters on which we seek your assurance, please contact us.

By your authorized representative's signature, you assure us and certify to us that, if the grant is awarded, you will comply with all legal and administrative requirements that govern the acceptance and use of federal grant funds. In particular, you assure us that:

1. You have been legally and officially authorized by the appropriate governing body (for example, mayor or city council) to apply for this grant and that the persons signing the application and these assurances on your behalf are authorized to do so and to act on your behalf with respect to any issues that may arise during processing of this application.
2. You will comply with the provisions of federal law which limit certain political activities of your employees whose principal employment is in connection with an activity financed in whole or in part with this grant. These restrictions are set forth in 5 U.S.C. § 1501, et seq.
3. You will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, if they apply to you.
4. You will establish safeguards, if you have not done so already, to prohibit employees from using their positions for a purpose that is, or gives the appearance of being, motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
5. You will give us or the Comptroller General access to and the right to examine records and documents related to the grant.
6. You will comply with all requirements imposed by us as a condition or administrative requirement of the grant, with the requirements of OMB Circulars A-87 (governing cost calculations) and A-128 (governing audits), with the applicable provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, with 28 CFR Part 66 (Uniform Administrative Requirements), with the provisions of the current edition of the Office of Justice Programs Financial and Administrative Guide for Grants, and with all other applicable laws, orders, regulations, or circulars.
7. You will, to the extent practicable, seek, recruit, and hire members of racial and ethnic minority groups and women in order to increase their ranks within the sworn positions in your agency.
8. You will not, on the ground of race, color, religion, national origin, gender, disability or age, unlawfully exclude any person from participation in, deny the benefits or employment to any person, or subject any person to discrimination in connection with any programs or activities funded in whole or in part with federal funds. These civil rights requirements are found in the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. § 3789(d)); Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000d), the Indian Civil Rights Act (25 U.S.C. §§ 1301-1303); Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794); Title II, Subtitle A of the Americans with Disabilities Act (ADA) (42 U.S.C. § 12101, et seq); the Age Discrimination Act of 1975 (42 U.S.C. § 6101, et seq); and Department of Justice Non-Discrimination Regulations contained in Title 28, Parts 35 and 42 (subparts C, D, E and G) of the Code of Federal Regulations.
- A. In the event that any court or administrative agency makes a finding of discrimination on grounds of race, color, religion, national origin or sex against you after a due process hearing, you agree to forward a copy of the finding to the Office of General Counsel, COPS, P.O. Box 14440, Washington, DC 20044.
- B. If you are applying for a grant of \$500,000 or more and Department regulations (28 CFR 42.301 et seq) require you to submit an Equal Opportunity Employment Plan, you will do so at the time of this application, if you have not done so in the past.
9. You will insure that the facilities under your ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that you will notify us if you are advised by the EPA indicating that a facility to be used in this grant is under consideration for listing by EPA.
10. If your state has established a review and comment procedure under Executive Order 12572 and has selected this program for review, you have made this application available for review by the State Single Point of Contact.



U.S. Department of Justice
Office of Community Oriented Policing Services

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; DRUG-FREE WORKPLACE REQUIREMENTS; AND NON-SUPPLANTING

Although the Department of Justice has made every effort to simplify the application process, other provisions of federal law require us to seek your certification regarding certain matters. Applicants should read the regulations cited below and the instructions for certification included in the regulations to understand the requirements. The signature of the applicant's representative on the application provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)," and the non-supplanting requirements of the Violent Crime Control and Law Enforcement Act of 1994. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered grant.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. (Blank copies of Standard Form - LLL can be obtained from the Department of Justice Response Center at: (800) 421-6770);

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510 -

A. The applicant certifies that it and its principals

(i) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(ii) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(iii) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (A)(ii) of this certification; and

(iv) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620 -

A. The applicant certifies that it will or will continue to provide a drug-free workplace by

(i) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition

(ii) Establishing an on-going drug-free awareness program to inform employees about -

(a) The dangers of drug abuse in the workplace;

(b) The grantee's policy of maintaining a drug-free workplace;

(c) Any available drug counseling, rehabilitation, and employee assistance programs; and

(d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(iii) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (i);

(iv) Notifying the employee in the statement required by paragraph (i) that, as a condition of employment under the grant, the employee will -

(a) Abide by the terms of the statement; and

(b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(v) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (iv)(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: COPS Program, P.O. Box 14440, Washington, D.C. 20044. Notice shall include the identification number(s) of each affected grant;

(vi) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (iv)(b), with respect to any employee who is so convicted -

(a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for

such purposes by a Federal, State, or local health, law enforcement or other appropriate agency;

(vii) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (i), (ii), (iii), (iv), (v), and (vi).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check ☐ if there are workplaces on file that are not identified here.

Section 67.630 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year, a copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP Form 4061/7.

Check ☐ if the State has elected to complete OJP Form 4061/7.

4. NON-SUPPLANTING

The applicant hereby certifies that Federal funds will not be used to replace or supplant State or local funds, or funds supplied by the Bureau of Indian Affairs, that would, in the absence of federal aid, be made available for the employment of law enforcement officers.

The applicant further certifies that funds required to pay the non-federal or "cash match" portion of the grant program shall be in addition to funds that would otherwise be made available for the employment of law enforcement officers.

APPENDIX C

Regional Offices of the Inspectors General for Audit

DEPARTMENT OF JUSTICE
OFFICE OF THE INSPECTOR GENERAL FOR AUDIT
AUDIT OFFICE ADDRESSES AND GEOGRAPHICAL AREA OF RESPONSIBILITY

Regional Office

Geographical Area
of Responsibility

Clark F. Cooper, Atlanta
Regional Inspector General for Audit
101 Marietta Street, Suite 2322
Atlanta, GA 30323-2401
(404) 331-5037
FAX: 404 331-5046

Alabama, Florida, Georgia,
Kentucky, Mississippi,
North Carolina, Tennessee,
South Carolina, Puerto Rico,
Virgin Islands

Robert C. Gruensfelder, Chicago
Regional Inspector General for
500 W. Madison, Suite 3510
Chicago, IL 60661-2550
(312) 353-1203
FAX: 312 886-0513

Illinois, Indiana, Nebraska,
Michigan, Minnesota, Ohio,
Wisconsin, Iowa, Kansas,
Missouri

George W. Starnes, Dallas
Regional Inspector General for Audit
207 S. Houston St., Box 4, Rm. 334
Dallas, TX 75202
(214) 939-6625
FAX: 214 939-6635

Arkansas, Louisiana, New Mexico,
Oklahoma, Texas

David Sheeran, Denver Area Assistant
Regional Inspector General for Audit
Colonnade Center Federal Building
1240 Speer Blvd., Suite 640
Denver, CO 80204
(303) 844-3638
FAX: 303 844-3780

Colorado, Montana, North Dakota,
South Dakota, Utah, Wyoming

M. Thomas Clark, San Francisco
Regional Inspector General for Audit
1200 Bayhill Drive
Suite 200
San Bruno, CA 94066
(415) 876-9220
FAX: 415 876-0902

Alaska, Arizona, California,
Hawaii, Idaho, Nevada, Oregon,
Washington, American Samoa, Guam,
Trust Territories of the Pacific
Islands, Commonwealth of Northern
Mariana Islands

Domenic A. Zazzaro, Northeast
Regional Inspector General for Audit
1425 New York Ave., NW, Suite 6036
Washington, D. C. 20530
(202) 616-4688
FAX: 202 616-4581

District of Columbia, Maryland,
Virginia, West Virginia

David Andelman, NE Area Assistant
Regional Inspector General for Audit
701 Market St., Suite 201
Philadelphia, PA 19106
(215) 580-2111
FAX: 215 580-2113

Connecticut, Delaware, Maine,
Massachusetts, New Hampshire, New
Jersey, New York, Pennsylvania,
Rhode Island, Vermont

